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Washington, Tuesday, June 17, 1941

The President

SETTING ASIDE CERTAIN LANDS FOR NATIONAL MONUMENT PURPOSES TO BE ADMINISTERED AS PART OF THE OCMULGEE NATIONAL MONUMENT—GEORGIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that certain lands adjoining the Lamar Unit of the Ocmulgee National Monument in Georgia, which have been donated to the United States, contain evidence of an old Indian stockade and other objects of historical interest; and

WHEREAS it appears that it would be in the public interest to set such lands aside for national monument purposes:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, ch. 3060, 34 Stat. 225 (U.S.C., title 16, sec. 431), do proclaim that the following-described lands in Bibb County, Georgia, are hereby set aside for national monument purposes and shall be administered as a part of the Ocmulgee National Monument:

Beginning at a concrete monument marking the southeast corner of the Lamar Unit of the Ocmulgee National Monument from which the most easterly corner of Macon City Limits in the center of Ocmulgee River bears approximately North 31°30′ West 8560 feet, more or less; thence South 78°30′ West 1500.0 feet along the south boundary of the Lamar Unit to the southwest corner thereof; thence South 11°30′ East 290.4 feet; thence North 67°32′ East 1527.85 feet to the point of beginning, containing 5 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any part or feature of this monument, and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 13th day of June in the year of our Lord nineteen hundred and forty-one, [SEAL] and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2493]

[F. R. Doc. 41-4265; Filed, June 14, 1941; 12:50 p. m.]

EXECUTIVE ORDER

REQUIRING EMPLOYEES IN THE EXECUTIVE CIVIL SERVICE TO BE FINGERPRINTED

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

SECTION 1. All employees in the executive civil service of the Government whose fingerprints are not now on file in the Federal Bureau of Investigation, Department of Justice, or in the agency in which they are employed, are hereby required to be fingerprinted in accordance with the procedure established by the head of the department or agency in which they are employed.

SECTION 2. Before any original appointment or reinstatement is made to a position in the executive civil service of the Government, the person concerned shall be fingerprinted in accordance with

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the procedure established by the Civil Service Commission or by the head of the department or agency in which the appointment or reinstatement is to be made.

SECTION 3. All fingerprints of employees not now on file in the Federal Bureau of Investigation, and all fingerprints required to be taken by section 2 hereof, shall be transmitted to the Federal Bureau of Investigation by the head of the department or agency concerned for checking and report as to criminal records, and for permanent classification and filing.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 12, 1941.

[No. 8781]

[F. R. Doc. 41-4233; Filed, June 13, 1941; 1:39 p. m.]

EXECUTIVE ORDER

ESTABLISHING A MILITARY RESERVATION ON CERTAIN ISLANDS IN GATUN LAKE, CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as

President of the United States, it is ordered as follows:

SEC. 1. The following-described islands lying in Gatun Lake, in the Canal Zone, are hereby reserved and set apart as, and assigned to the uses and purposes of, a military reservation, which shall be under the control and the jurisdiction of the Secretary of War, subject to the provisions of section 2 of this order:

(a) The island officially known as Zorra Island.

(b) The island officially known as Piedras Island.

(c) An unnamed island whose Geodetic Coordinates are: Latitude 9°17′ plus 3,350 feet and longitude 79°52′ plus 2,350 feet.

SEC. 2. The War Department shall bear all the costs incident to the establishment of this reservation, including the cost of surveys and of cancellation of any agricultural licenses or other permits which may be in force in the areas involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 12, 1941.

[No. 8782]

[F. R. Doc. 41–4235; Filed, June 13, 1941; 1:39 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS, PUBLIC WATER RESERVE NO. 162

CALIFORNIA

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described public lands be, and they are hereby, withdrawn from settlement, location, sale, or entry and reserved for public use for stock-watering purposes in accordance with the provisions of section 10 of the act of December 29, 1916, 39 Stat. 862, 865:

CALIFORNIA

Mount Diablo Meridian

T. 1 N., R. 28 E.,
sec. 6, SW¼;
sec. 7, N½ lot 1 of NW¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 12, 1941.

[No. 8783]

[F. R. Doc. 41–4234; Filed, June 13, 1941; 1:39 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF CERTAIN EXECUTIVE ORDERS CREATING PUBLIC WATER RESERVES; PUBLIC WATER RESTORATION NO. 88

CALIFORNIA AND NEW MEXICO

By virtue of the authority vested in me by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847, the Executive orders of January 3, 1917, August 18, 1932, and April 17, 1926, creating respectively Public Water Reserves Nos. 41, 145, and 107, are hereby revoked so far as they pertain to or affect the following-described lands in California and New Mexico:

CALIFORNIA

San Bernadino Meridian

In Public Water Reserve No. 41, of January 3, 1917:

T. 18 S., R. 1 E., sec. 29, NW¼.

In Public Water Reserve No. 145, of August 18, 1932:

T. 3 S., R. 3 E., sec. 12, all.

NEW MEXICO

New Mexico Principal Meridian

In Public Water Reserve No. 107, of April 17, 1926, as construed by Department of the Interior Interpretation No. 137, of October 18, 1930:

T. 14 N., R. 2 W., sec. 4, lots 3 and 4, S½NW¼ (NW¼), W½SW¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
June 13, 1941.

[No. 8784]

[F. R. Doc. 41–4248; Filed, June 14, 1941; 11:17 a. m.]

EXECUTIVE ORDER

REGULATING TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, PROVIDING FOR THE REPORTING OF ALL FOREIGN-OWNED PROPERTY, AND RELATED MATTERS

By virtue of and pursuant to the authority vested in me by Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, by virtue of all other authority vested in me, and by virtue of the existence of a period of unlimited national emergency, and finding that this Order is in the public interest and is necessary in the interest of national defense and security, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do prescribe the following:

Executive Order No. 8389[1] of April 10, 1940, as amended, is amended to read as follows:

SECTION 1. All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise, if (i) such transactions are by, or on behalf of, or pursuant to the direction of any foreign country designated in this Order, or any national thereof, or (ii) such transactions involve property in which any foreign country designated in this Order, or any national thereof, has at any time on or since the effective date of this Order had any interest of any nature whatsoever, direct or indirect:

A. All transfers of credit between any banking institutions within the United States; and all transfers of credit between any banking institution within the United States and any banking institution outside the United States (including any principal, agent, home office, branch, or correspondent outside the United States, of a banking institution within the United States);

B. All payments by or to any banking institution within the United States;

C. All transactions in foreign exchange by any person within the United States;

D. The export or withdrawal from the United States, or the earmarking of gold or silver coin or bullion or currency by any person within the United States;

E. All transfers, withdrawals or exportations of, or dealings in, any evidences of indebtedness or evidences of ownership of property by any person within the United States; and

F. Any transaction for the purpose or which has the effect of evading or avoiding the foregoing prohibitions.

SECTION 2. A. All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise:

(1) The acquisition, disposition or transfer of, or other dealing in, or with respect to, any security or evidence thereof on which there is stamped or imprinted, or to which there is affixed or otherwise attached, a tax stamp or other stamp of a foreign country designated in this Order or a notarial or similar seal which by its contents indicates that it was stamped, imprinted, affixed or attached within such foreign country, or where the attendant circumstances disclose or indicate that such stamp or seal may, at any time, have been stamped, imprinted, affixed or attached thereto; and

(2) The acquisition by, or transfer to, any person within the United States of any interest in any security or evidence thereof if the attendant circumstances disclose or indicate that the security or evidence thereof is not physically situated within the United States.

B. The Secretary of the Treasury may investigate, regulate, or prohibit under such regulations, rulings, or instructions as he may prescribe, by means of licenses or otherwise, the sending, mailing, importing or otherwise bringing, directly or indirectly, into the United States, from any foreign country, of any securities or evidences thereof or the receiving or holding in the United States of any securities or evidences thereof so brought into the United States.

SECTION 3. The term "foreign country designated in this Order" means a foreign country included in the following schedule, and the term "effective date of this Order" means with respect to any such foreign country, or any national thereof, the date specified in the following schedule:

(a) April 8, 1940—
Norway and
Denmark;

[1] 5 F.R. 1400.

(b) May 10, 1940—
The Netherlands,
Belgium and
Luxembourg;
(c) June 17, 1940—
France (including Monaco);
(d) July 10, 1940—
Latvia, Estonia and
Lithuania;
(e) October 9, 1940—
Rumania;
(f) March 4, 1941—
Bulgaria;
(g) March 13, 1941—
Hungary;
(h) March 24, 1941—
Yugoslavia;
(i) April 28, 1941—
Greece; and
(j) June 14, 1941—
Albania,
Andorra,
Austria,
Czechoslovakia,
Danzig,
Finland,
Germany,
Italy,
Liechtenstein,
Poland,
Portugal,
San Marino,
Spain,
Sweden,
Switzerland, and
Union of Soviet Socialist Republics.

The "effective date of this Order" with respect to any foreign country not designated in this Order shall be deemed to be June 14, 1941.

SECTION 4. A. The Secretary of the Treasury and/or the Attorney General may require, by means of regulations, rulings, instructions, or otherwise, any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, from time to time and at any time or times, complete information relative to, any transaction referred to in section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, or relative to any property in which any foreign country or any national thereof has any interest of any nature whatsoever, direct or indirect, including the production of any books of account, contracts, letters, or other papers, in connection therewith, in the custody or control of such person, either before or after such transaction is completed; and the Secretary of the Treasury and/or the Attorney General may, through any agency, investigate any such transaction or act, or any violation of the provisions of this Order.

B. Every person engaging in any of the transactions referred to in sections 1 and 2 of this Order shall keep a full record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least one year after the date of such transaction.

SECTION 5. A. As used in the first paragraph of section 1 of this Order "transactions [which] involve property in which any foreign country designated in this Order, or any national thereof, has * * * any interest of any nature whatsoever, direct or indirect," shall include, but not by way of limitation (i) any payment or transfer to any such foreign country or national thereof, (ii) any export or withdrawal from the United States to such foreign country, and (iii) any transfer of credit, or payment of an obligation, expressed in terms of the currency of such foreign country.

B. The term "United States" means the United States and any place subject to the jurisdiction thereof; the term "continental United States" means the states of the United States, the District of Columbia, and the Territory of Alaska.

C. The term "person" means an individual, partnership, association, corporation, or other organization.

D. The term "foreign country" shall include, but not by way of limitation,

(i) The state and the government thereof on the effective date of this Order as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof,

(ii) Any other government (including any political subdivision, agency, or instrumentality thereof) to the extent and only to the extent that such government exercises or claims to exercise *de jure* or *de facto* sovereignty over the area which on such effective date constituted such foreign country, and

(iii) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing.

E. The term "national" shall include,

(i) Any person who has been domiciled in, or a subject, citizen or resident of a foreign country at any time on or since the effective date of this Order,

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined,

(iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any national of such foreign country, and

(iv) Any other person who there is reasonable cause to believe is a "national" as herein defined.

In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country. In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, debentures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of each of such foreign countries. The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national. Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

F. The term "banking institution" as used in this Order shall include any person engaged primarily or incidentally in the business of banking, of granting or transferring credits, or of purchasing or selling foreign exchange or procuring purchasers and sellers thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of his business, or brokers; and, each principal, agent, home office, branch or correspondent of any person so engaged shall be regarded as a separate "banking institution".

G. The term "this Order", as used herein, shall mean Executive Order No. 8389 of April 10, 1940, as amended.

SECTION 6. Executive Order No. 8389 of April 10, 1940, as amended, shall no longer be deemed to be an amendment to or a part of Executive Order No. 6560 of January 15, 1934. Executive Order No. 6560 of January 15, 1934, and the Regulations of November 12, 1934, are hereby modified in so far as they are inconsistent with the provisions of this Order, and except as so modified, con-

tinue in full force and effect. Nothing herein shall be deemed to revoke any license, ruling, or instruction now in effect and issued pursuant to Executive Order No. 6560 of January 15, 1934, as amended, or pursuant to this Order; provided, however, that all such licenses, rulings, or instructions shall be subject to the provisions hereof. Any amendment, modification or revocation by or pursuant to the provisions of this Order of any orders, regulations, rulings, instructions or licenses shall not affect any act done, or any suit or proceeding had or commenced in any civil or criminal case prior to such amendment, modification or revocation, and all penalties, forfeitures and liabilities under any such orders, regulations, rulings, instructions or licenses shall continue and may be enforced as if such amendment, modification or revocation had not been made.

SECTION 7. Without limitation as to any other powers or authority of the Secretary of the Treasury or the Attorney General under any other provision of this Order, the Secretary of the Treasury is authorized and empowered to prescribe from time to time regulations, rulings, and instructions to carry out the purposes of this Order and to provide therein or otherwise the conditions under which licenses may be granted by or through such officers or agencies as the Secretary of the Treasury may designate, and the decision of the Secretary with respect to the granting, denial or other disposition of an application or license shall be final.

SECTION 8. Section 5 (b) of the Act of October 6, 1917, as amended, provides in part:

* * * Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

SECTION 9. This Order and any regulations, rulings, licenses or instructions issued hereunder may be amended, modified or revoked at any time.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 14, 1941.

[No. 8785]

[F. R. Doc. 41-4266; Filed, June 14, 1941; 1:10 p. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 203—AUTHORIZATIONS FOR INSPECTION OF LIVESTOCK

COASTAL CATTLE ASSOCIATION, INC.

By virtue of the authority vested in the Secretary of Agriculture by the Department of Agriculture Appropriation Act, 1941, approved June 25, 1940 (54 Stat. 532, 557; 7 U.S.C. § 231), the Coastal Cattle Association, Inc., is authorized to conduct a brand inspection service, as set forth in the following section, which is added to Part 203, Chapter II, Title 9, Code of Federal Regulations:

§ 203.11 *Coastal Cattle Association, Inc.* Upon a written request made to and filed with the Secretary of Agriculture, the Coastal Cattle Association, Inc., duly organized under the laws of the State of Texas, is hereby authorized, with respect to livestock originating in or shipped to market from the State of Texas, to charge and collect reasonable fees, approved by the Secretary of Agriculture, to be paid by the owners of the livestock inspected, for the inspection of brands appearing upon livestock sold or offered for sale at those markets at which the said Coastal Cattle Association, Inc., may register as a market agency, such inspection to be made to determine the ownership of the livestock. Such inspection and charging and collection of fees shall be subject to the provisions of the Packers and Stockyards Act and such regulations as the Secretary may from time to time prescribe.

Done at Washington, D. C., this 14th day of June 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-4304; Filed, June 16, 1941; 11:14 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 117 of the Civil Air Regulations]

PART 20—PILOT RATING

MILITARY AND PERIODIC ENDORSEMENT PHYSICAL REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of June 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective June 13, 1941, Part 20 of the Civil Air Regulations, as amended, is amended as follows:

1. By striking the last sentence of §§ 20.129 and 20.149 respectively.

2. By amending § 20.34 (a) (2) to read as follows:

(2) A physical examination showing at least the same physical condition as that required for the issuance of a student pilot certificate within the 14 months preceding the expiration of the endorsement period.

3. Section 20.34 (b) is amended to read as follows:

(b) (Unassigned).

4. By amending § 20.34 (c) (3) to read as follows:

(3) A physical examination showing at least the same physical condition as that required for the issuance of a private pilot certificate within the 14 months immediately preceding the expiration of the endorsement period.

5. By striking the period at the end of § 20.34 (c) (4) and adding the following:

, except that the required physical examination shall have been obtained within the 14 months immediately preceding the expiration of the endorsement period.

6. By amending § 20.34 (d) (2) to read as follows:

(2) A physical examination showing at least the same physical condition as that required for the issuance of a commercial pilot certificate within the 60 days immediately preceding the expiration of the endorsement period.

7. By amending § 20.34 (e) (2) to read as follows.

(2) A physical examination showing at least the same physical condition as that required for the issuance of a commercial pilot certificate within the 60 days immediately preceding the expiration of the endorsement period.

8. By striking § 20.52 and inserting in lieu thereof the following:

§ 20.52 *Physical examinations.* The following rules will govern the physical examinations given in connection with any pilot certificate:

(a) The appropriate physical examination prescribed for the original issuance of a pilot certificate shall be accomplished before any practical or theoretical test or other examination will be given, and shall be completed within the 9 months preceding application for a private pilot certificate, or within the 4 months preceding application for a commercial pilot certificate.

(b) In lieu of a physical examination conducted by an authorized medical examiner of the Administrator, a certificate from a medical officer on active duty with the United States Army, Navy, Marine Corps or Coast Guard, who is authorized to conduct physical examinations for flying, stating that he examined the applicant, giving the date of the physical examination, and certifying that at the time of the examination the applicant was on flying status and met the physical requirements for flying prescribed for his military service, will be accepted for any pilot certificate provided for in this Part: *Provided,* That the physical qualifications of such mili-

tary examination are not less than those required by the regulations in this part for the grade of pilot certificate applied for.

(c) A pilot holding a certificate of a lower grade and applying for a certificate of a higher shall pass satisfactorily a new physical examination for the grade applied for unless his prior physical examination was for the higher grade and was passed within the time limit prescribed in § 20.52 (a).

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY, *Secretary.*

[F. R. Doc. 41-4276; Filed, June 16, 1941; 10:26 a. m.]

[Amendment No. 118 of the Civil Air Regulations]

PART 20—PILOT RATING

STUDENT FLIGHT LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of June, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective June 13, 1941, the Civil Air Regulations are amended by:

1. Amending § 20.610 to read as follows:

§ 20.610 *Student.* A student pilot shall not operate aircraft for hire or carry anyone other than a certificated instructor. A student pilot who has not flown an aircraft within 90 days shall not operate aircraft in solo flight until he has passed a satisfactory flight check given by a certificated instructor and that fact has been endorsed on his student pilot certificate.

2. Amending § 20.611 to read as follows:

§ 20.611 (Unassigned).

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY, *Secretary.*

[F. R. Doc. 41-4277; Filed, June 16, 1941; 10:26 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3471]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ARTWEBB MANUFACTURING COMPANY, ET AL.

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (k) 4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) 3.2) *Using misleading name—Goods—Indorsements and testimonials:* § 3.96 (a) 9) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of articles of wearing apparel, the designation "Edward VIII", either separately or in conjunction with any pictorial representation simulating the British crown, as a label for, or to designate or describe, any article of wearing apparel; or otherwise representing or implying that such products are of British manufacture, or imported from Great Britain, or have the approval of or warrant from any member of the British royal family; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Artwebb Manufacturing Company, Inc., et al., Docket 3471, June 2, 1941]

In the Matter of Artwebb Manufacturing Company, Inc., a Corporation, A. M. Webb & Company, Inc., a Corporation, and Leon J. Isaacs, and Jesse Kohn, Individually, and as Officers of Said Corporations

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of June, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before examiners of the Commission theretofore duly designated by it, report and supplemental report of the trial examiners and exceptions thereto, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Art-Web Manufacturing Company, Inc. (Artwebb Manufacturing Company, Inc.), a corporation, A. M. Webb & Company, Inc., a corporation, their officers, agents, representatives, and employees, respondents Leon J. Isaacs and Jesse Kohn, individuals, and their agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale and offering for sale of articles of wearing apparel in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the designation "Edward VIII", either separately or in conjunction with any pictorial representation simulating the British crown, as a label for, or to designate or describe, any article of wearing apparel; or otherwise representing or implying that such products are of British manufacture, or imported from Great Britain, or have the approval of or warrant from any member of the British royal family.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-4249; Filed, June 14, 1941; 11:31 a. m.]

[1] 3 F.R. 2545.

[Docket No. 3622]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STEPHENSON LABORATORIES TRUST, ETC.

§ 3.6 (a) 22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Laboratory:* § 3.96 (b) 5) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* Using, in connection with offer, etc., in commerce, of licenses to manufacture foot supports and foot exercisers, and courses of instruction in the treatment of foot troubles, and among other things, as in order set forth, the term "Laboratory" or "Laboratories," or any other word or term of similar import or meaning, in respondent's name or in any trade name or style used by respondent in the course and conduct of its business, or otherwise representing in any manner that respondent maintains a laboratory in which its system of foot culture or courses of instruction therein were, or are, developed or prepared; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Stephenson Laboratories Trust, etc., Docket 3622, May 29, 1941]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of licenses to manufacture foot supports and foot exercisers, and courses of instruction in the treatment of foot troubles, and among other things, as in order set forth, that respondent's course of instruction, or any substantially similar course of instruction, will equip any one with learning and proficiency adequate to: (a) Diagnose and determine whether or not foot troubles require surgical treatment; (b) Effectively and successfully treat nonsurgical foot troubles, regardless of origin or cause thereof; (c) Effectively and successfully treat foot troubles which may result from systemic causes, such as aching feet, excessive or insufficient perspiration, foot neuralgia, painful heel,

and enlarged joints; or foot troubles which may require operative surgery, such as Morton's toe, hammer toe, and bunions; or foot troubles which require immobilization as a part of any competent and adequate treatment, such as stretched ligaments, exclusively by foot supports and exercise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Stephenson Laboratories Trust, etc., Docket 3622, May 29, 1941]

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities.* Representing, in connection with offer, etc., in commerce, of licenses to manufacture foot supports and foot exercisers, and courses of instruction in the treatment of foot troubles, and among other things, as in order set forth, that any purchaser who masters respondent's correspondence course is assured of a profitable business or will be able to obtain trade without solicitation, delay, or expense; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Stephenson Laboratories Trust, etc., Docket 3622, May 29, 1941]

In the Matter of Stephenson Laboratories Trust, a Massachusetts Trust, Also Trading and Doing Business Under the Name of Stephenson Laboratory

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, a stipulation of certain facts, report of the trial examiner, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Stephenson Laboratories Trust, a Massachusetts trust also trading and doing business under the name Stephenson Laboratory, its trustees, officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of licenses to manufacture foot supports and foot exercisers, and courses of instruction in the treatment of foot troubles, do forthwith cease and desist from, directly or by implication:

(1) Using the term "Laboratory" or "Laboratories," or any other word or term of similar import or meaning, in respondent's name or in any trade name or style used by respondent in the course and conduct of its business, or otherwise representing in any manner that respondent maintains a laboratory in which its system of foot culture or courses of instruction therein were, or are, developed or prepared;

(2) Representing that respondent's course of instruction, or any substantially similar course of instruction, will equip any one with learning and proficiency adequate to:

(a) Diagnose and determine whether or not foot troubles require surgical treatment;

(b) Effectively and successfully treat non-surgical foot troubles, regardless or origin or cause thereof;

(c) Effectively and successfully treat foot troubles which may result from systemic causes, such as aching feet, excessive or insufficient perspiration, foot neuralgia, painful heel, and enlarged joints; or foot troubles which may require operative surgery, such as Morton's toe, hammer toe, and bunions; or foot troubles which require immobilization as a part of any competent and adequate treatment, such as stretched ligaments, exclusively by foot supports and exercise.

(3) Representing that any purchaser who masters respondent's correspondence course is assured of a profitable business or will be able to obtain trade without solicitation, delay, or expense.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-4250; Filed, June 14, 1941; 11:31 a. m.]

[Docket No. 4205]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SOL. RAPHAEL, INC.

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) (4) *Using misleading name—Goods—Nature:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* Using, in connection with offer, etc., in commerce, of rugs and other merchandise the words 'Khandah," "Aristan," "Karachi," "Numdah," "Calcutta," "Burma," "Daria," "Damascus," "Bagad," "Tamur," or "Chinese," or any other words or names indicative of the Orient, or pictorial representations or simulations of the coat of arms of Persia or other Oriental arms or of typically Oriental scenes, to mark, designate, describe, or refer to rugs not made in the Orient and which do not possess all the essential characteristics and structure of the type of Oriental rug which they purport to be; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sol. Raphael, Inc., Docket 4205, June 4, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of June, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Sol. Raphael, Inc., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of rugs and other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the words "Khandah," "Aristan," "Karachi," "Numdah," "Calcutta," "Burma," "Daria," "Damascus," "Bagad," "Tamur," or "Chinese," or any other words or names indicative of the Orient, or pictorial representations or simulations of the coat of arms of Persia or other Oriental arms or of typically Oriental scenes, to mark, designate, describe, or refer to rugs not made in the Orient and which do not possess all the essential characteristics and structure of the type of Oriental rug which they purport to be.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-4251; Filed, June 14, 1941; 11:31 a. m.]

[1] 4 F.R. 3240.

[Docket No. 4221]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JOSEPH GLUCK & COMPANY, INC.

§ 3.6 (n) (2) *Advertising falsely or misleadingly — Nature — Product:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.96 (a) (4) *Using misleading name — Goods—Nature:* § 3.96 (a) (9) *Using misleading name — Goods — Source or origin—Place—Foreign, in general.* Using, in connection with offer, etc., in commerce, of rugs and other merchandise the words "Kirman," "Karavan," "Mossoul", "Irak", or any other words or names indicative of the Orient, or pictorial representations of a star and crescent simulating the Turkish emblem, or of other Oriental emblems, to mark, designate, describe, or refer to rugs not made in the Orient and which do not possess all the essential characteristics and structure of the type of Oriental rug which they purport to be; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Joseph Gluck & Company, Inc., Docket 4221, May 29, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to facts and conclusion based thereon and order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Joseph Gluck & Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of rugs and other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

Using the words "Kirman," "Karavan," "Mossoul", "Irak", or any other words or names indicative of the Orient, or pictorial representations of a star and crescent simulating the Turkish emblem, or of other Oriental emblems, to mark, designate, describe, or refer to rugs not made in the Orient and which do not possess all the essential characteristics and structure of the type of Oriental rug which they purport to be.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-4252; Filed, June 14, 1941; 11:32 a. m.]

[Docket No. 4235]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WOOD & HYDE COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.96 (a) (1) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce of glove leathers and other similar products (1) using the word "kid" or any other words of similar import and meaning, either alone or in combination with any other word or words, in advertising or otherwise, to describe, designate, or refer to any leather product which is not made from the skin of a young goat; and (2) using the term "Kinkid" or any other term which includes the word "kid" or any colorable simulation thereof, or using any other term of similar import or meaning on labels, or otherwise, to describe, designate, or refer to any leather product which is not made from the skin of a young goat; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wood & Hyde Company, Docket 4235, May 29, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of May, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, and a stipulation as to the facts entered into by the respondent herein and W. T. Kelley, Chief Counsel for the Commission, briefs filed in support of the complaint and in opposition thereto and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Wood & Hyde Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of glove leathers and other similar products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "kid" or any other words of similar import and meaning, either alone or in combination with any other word or words, in advertising or otherwise, to describe, designate, or refer to any leather product which is not made from the skin of a young goat;

(2) Using the term "Kinkid" or any other term which includes the word "kid" or any colorable simulation thereof, or using any other term of similar import or meaining on labels, or otherwise, to describe, designate, or refer to any leather product which is not made from the skin of a young goat.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-4253; Filed, June 14, 1941; 11:32 a. m.]

[Docket No. 3026]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF KIDDER OIL COMPANY

§ 3.6 (a) (1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Authorities and personages connected with:* § 3.6 (a) (10.5) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History.* Representing, in connection with offer, etc., of respondent's product, "Koatsal", in commerce, and among other things, as in order set forth, that Joseph K. Kidder is an original pioneer in the blending of colloidal graphite and lubricating oil and that he has great scientific knowledge which enabled him to develop Koatsal; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Sup. IV, sec. 45l) [Modified cease and desist order, Kidder Oil Company, Docket 3026, May 20, 1941]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Representing, in connection with offer, etc., of respondent's product, "Koatsal", in commerce, and among other things, as in order set forth, (1) that Koatsal, when the same is used as a lubricant in a motor operated under "full-film" conditions, penetrates and adheres to all metal surfaces it reaches, permeates the pores of the metal, soaks into the metal, and that the metal becomes plated with Koatsal and moving parts ride on this

plating; and (2) that the lubricating qualities of Koatsal, when the same is used as a lubricant in a motor operated under "full-film" conditions, are any greater than the lubricating qualities of the oil which it contains; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Sup. IV, sec. 45i) [Modified cease and desist order, Kidder Oil Company, Docket 3026, May 20, 1941]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings;* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings.* Representing, in connection with offer, etc., of respondent's product, "Koatsal", in commerce, and among other things, as in order set forth, that the usual and customary earnings or profit to be derived from the sale of its product of distributors, salesmen and demonstrators are larger than and in excess of the usual and customary amounts actually so earned under normal conditions in the due course of business; prohibited. (Sec 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 114; 15 U.S.C., Sup. IV, sec 45i) [Modified cease and desist order, Kidder Oil Company, Docket 3026. May 20, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1941.

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on September 19, 1939, the Commission made its findings as to the facts and concluded therefrom that the respondent had violated the provisions of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist;[1] and it further appearing that on January 15, 1941, the United States Circuit Court of Appeals for the Seventh Circuit rendered its decision modifying the Commission's order to cease and desist and on February 28, 1941, the aforesaid Circuit Court of Appeals issued its decree modifying the aforesaid order of the Commission and directed the Commission to modify its aforesaid order to cease and desist in accordance with said decree;

Now, therefore, pursuant to the provisions of subsection (i) of Section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said court decree:

It is ordered, that the respondent, Kidder Oil Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its product "Koatsal" whether sold under that name or under any other name in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

(1) That Joseph K. Kidder is an original pioneer in the blending of colloidal graphite and lubricating oil and that he has great scientific knowledge which enabled him to develop Koatsal;

(2) That Koatsal, when the same is used as a lubricant in a motor operated under "full-film" conditions, penetrates and adheres to all metal surfaces it reaches, permeates the pores of the metal, soaks into the metal, and that the metal becomes plated with Koatsal and moving parts ride on this plating;

(3) That the lubricating qualities of Koatsal, when the same is used as a lubricant in a motor operated under "full-film" conditions, are any greater than the lubricating qualities of the oil which it contains;

(4) That the usual and customary earnings or profit to be derived from the sale of its product by distributors, salesmen and demonstrators are larger than and in excess of the usual and customary amounts actually so earned under normal conditions in the due course of business.

It is further ordered, that the respondent, Kidder Oil Company, a corporation, shall within thirty (30) days after the entry of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4305; Filed, June 16, 1941; 11:33 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

AMENDMENT TO REGULATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 362) as amended by the Act of June 20, 1939 (53 Stat. 845; Public No. 141, 76th Congress, First Session), the Railroad Retirement Board, by Board Order 41-268 dated June 12, 1941, amends § 325.12 (b)[1] of the Regulations under the Railroad Unemployment Insurance Act, effective immediately, as follows:

§ 325.12 *Time of registration.*

* * * * *

(b) *Requirements in conjunction with registration.* At the time of registration for the first day claimed as a day of unemployment in a benefit year the employee shall also fill out an application for a certificate of benefit rights on a form provided by the Board, and attach thereto the appropriate certificate of service months and wages furnished him by the Board, or, if he has lost or never received such certificate of service months and wages, shall furnish on such application a statement of his employment and compensation in the appropriate base year; and, on the day of such registration, or within the next two business days thereafter, the employee shall fill out and deliver in person to his unemployment claims agent or mail to the Board an application for employment service on a form provided by the Board. If an employee has registered with an unemployment claims agent and thereafter in the same benefit year registers with an unemployment claims agent other than the one, or the alternate or successor of the one, with whom he last registered in the same benefit year, the employee, at the time of registration with such other unemployment claims agent, shall attach to the registration and claim form his authorization to change place of registration if such authorization is required pursuant to § 325.16, or if he has no such authorization to change place of registration shall show to the unemployment claims agent (1) a certificate of benefit rights issued to him by the Board, or (2) if he has no certificate of benefit rights, the last record of claim issued to him by an unemployment claims agent, or (3) if he has no certificate of benefit rights and no such record of claim, a statement of his current benefit account furnished to him by the Board.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary to the Board.

Dated June 16, 1941.

[F. R. Doc. 41-4290; Filed, June 16, 1941; 10:39 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 369]

PART 403—PROPERTY MANAGEMENT DIVISION

SURETY BONDS FOR BROKERS

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

The third paragraph of § 403.08-1[1] is amended to read as follows:

§ 403.08-1 *For management and sales brokers.*

* * * * *

Each such broker's bond shall conform to the requirements of Part 406 of this title and of Chapter VI of the Consolidated Manual of Home Owners' Loan Corporation and shall be conditioned upon the due performance by the broker

[1] 4 F.R. 4110.

[1] 5 F.R. 2112, 4816.

[1] 4 F.R. 2020.

of his obligations under his contract with the Corporation. Subject to the provisions of this Section, the amount of each such bond may be increased or decreased at any time in the discretion of the Regional Manager. The Regional Manager shall cause the amounts of such bonds to be reviewed at such intervals as he may deem appropriate for the purpose of determining whether the coverage should be increased or decreased. All premiums and other charges in connection with the issuance and maintenance of each such bonds shall be paid by the broker executing the same as principal.

Section 403.08–2 [1] is amended to read as follows:

§ 403.08–2 *Bond records and procedure.* The Regional Manager shall promptly notify the Regional Management Section of each case in which a contract broker is required to furnish a surety bond to the Corporation, and that Section shall thereupon obtain such bond from such broker. The original surety bond and all papers relating thereto shall be filed in the Management Broker's application file. The Regional Management Section shall maintain an adequate record of such brokers' bonds and shall notify brokers of any case in which the amount of the coverage is to be revised or the bond is not to be continued.

(a) *Cancellation of bonds.* When the Regional Manager determines that it is no longer necessary to require continuation of bonds, he may, with the approval of the Regional Counsel, consent to their discontinuance or termination. Thereupon such discontinuance or cancellation may be effected by the Regional Manager, Assistant Regional Manager in Charge of Property Management, or the Supervisor of the Regional Management Section, under advice of the Regional Counsel, provided that no action shall be taken which would release the principal or surety from any liability then accrued.

(b) *Claims against surety.* The Assistant Regional Manager in charge of Property Management shall give prompt notice of any claim to be filed against the surety under any such broker's bond to the General Counsel and to the Auditor in the Home Office and to the Regional Counsel. The General Counsel shall notify the Regional Manager of the final disposition made of such claim.

(Effective date June 23, 1941)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] H. CAULSEN,
Asst. Secretary.

[F. R. Doc. 41–4245; Filed, June 14, 1941; 10:17 a. m.]

[Administrative Order No. 368]

PART 403—PROPERTY MANAGEMENT DIVISION

FURNISHING OF UTILITIES

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.11–52 is amended to read as follows:

§ 403.11–52 *Furnishing of fuel, water, gas, electricity and janitor service.* The Contract Management Broker shall have authority to purchase coal and other fuel, gas, and electricity in those cases where it is not practicable to have the lease provide that such items shall be furnished by the tenant, and to incur expenses for water service where it is the local custom for landlords to furnish water to tenants. When the premises are designed for occupancy by two or more tenants and the Contract Management Broker is of opinion that janitorial services are essential to the proper care and efficient management of the property, he shall have authority to incur expense for such services and shall select and employ a proper person to perform such services as janitor at such compensation as he may determine, but such person by reason of such janitor service shall not be or become an employee of the Corporation. A tenant of the Corporation may be employed as janitor by the Contract Management Broker, but such janitor's contract of employment shall not constitute a part of any lease or rental agreement executed on behalf of the Corporation. The authority of the Contract Broker to incur charges under the provisions of this section is subject to the limitations imposed thereon by § 403.14 of the Code of Federal Regulations. Arrangements for janitor service may also be made by any person other than the Contract Broker who is authorized to execute leases or rental agreements on behalf of the Corporation.

(Effective date June 16, 1941).

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] H. CAULSEN,
Asst. Secretary.

[F. R. Doc. 41–4246; Filed, June 14, 1941; 10:17 a. m.]

[Administrative Order No. 957]

PART 409—INSURANCE SECTION

WINDSTORM INSURANCE AND OTHER REQUIREMENTS

Amending Part 409 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 409.01–1 [1] (*Insurance required*) is amended by deleting the words "34—Oklahoma" from Groups 1 and 7, and by amending Group 8 to read as follows:

* * * * *

GROUP 8

EXTENDED COVERAGE

Extended coverage or supplemental coverage is required on the main buildings and on other buildings and improvements in an amount equal to the fire insurance required to be carried on such buildings by the provision of the Manual in the following states: (Effective on expiration of policies already accepted.)

24—Montana.
34—Oklahoma.

* * * * *

(Effective date June 16, 1941).

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] H. CAULSEN,
Asst. Secretary.

[F. R. Doc. 41–4247; Filed, June 14, 1941; 10:17 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–862]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3 not heretofore classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter,

[1] 5 F.R. 2611.

temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for all movement via all lakes, all ports*) is amended by adding thereto Supplement R–III, § 323.23 (*General prices*) is amended by adding thereto Supplement T, and the coals referred to in the aforementioned supplements, hereinafter set forth and made a part hereof, shall be subject to minimum prices as provided therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: May 21, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of Code Members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
198	Blaser Fuel Co.	Blaser	M. V. Freeport	70	J	J	J	J	J	J	J	J	J	J	--	--	--	--	--	--
569	Leslie Company, The	Leslie No. 4	M. V. Freeport	71	J	J	J	J	J	J	J	J	J	J	--	--	--	--	--	--
724	Rucker, J. E.	Edgewood	Pittsburgh	60	F	F	F	F	F	F	F	F	F	F	--	--	--	--	--	--
841	Smith & Lambert (Harry B. Smith).	Taylor (Cover).	Pittsburgh	50	F	F	F	F	F	F	F	F	F	F	--	--	--	--	--	--
559	Stout, H. V.	Cork	Pittsburgh	60	F	F	F	F	F	F	F	F	F	F	--	--	--	--	--	--
1091	Wolfe, Everett (Bird's Creek Coal Co.).	Bird's Creek	M. V. Freeport	71	J	J	J	J	J	J	J	J	J	J	--	--	--	--	--	--
200	Wolfe, Everett, (Bird's Creek Coal Co.).	Bird's Creek #2	M. V. Freeport	71	J	J	J	J	J	J	J	J	J	J	--	--	--	--	--	--

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements, except via lakes*—Supplement R–II. For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (b) Minimum Price Schedule for District No. 3: Group No. 1, 559, 724, 841; Group No. 3, 198, 200, 569, 1091.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via lakes, all ports*—Supplement R–III. For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (c), Minimum Price Schedule for District No. 3; Group No. 1, 559, 724 841; Group No. 3, 198, 200, 569, 1091.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2", bottom size (1)	Lump 2", egg 2", bottom size but over 1¼" (2)	Lump 1¼" and under, egg 1¼" and under, bottom size (3)	All nut and pea 2" and under (4)	Run of mine resultant over 2" (5)	1¼" and 2" slack (6)	¾" slack (7)
Blaser Fuel Co.	198	Blaser	M. V. Freeport	Preston	225	225	225	200	200	190	180
Shaffer, Lonnie G.	199	Keefover	Bakerstown	Preston	235	235	235	210	210	200	190
Tasey & Chamberlain (C. R. Chamberlain).	197	Nestor Shiflett	Sewell	Randolph	253	248	248	223	223	213	193
Wolfe, Everett (Bird's Creek Coal Co.).	200	Bird's Creek #2	M. V. Freeport	Preston	225	225	225	200	200	190	180

[F. R. Doc. 41-4216; Filed, June 13, 1941; 11:20 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, THE REPORTING OF ALL FOREIGN-OWNED PROPERTY AND RELATED MATTERS

REGULATIONS UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, THE REPORTING OF ALL FOREIGN-OWNED PROPERTY AND RELATED MATTERS

The Regulations of April 10, 1940, as amended (§§ 130.1 to 130.6), are amended to read as follows:

§ 130.1 *Authority for regulations.* These regulations are prescribed and issued under authority of section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, and Executive Order No. 8389[1] of April 10, 1940, as amended by Executive Order No. 8785 of June 14, 1941.[2] *

* §§ 130.1 to 130.7, inclusive, issued under the authority contained in sec. 5 (b), 40 Stat. 415 and 966, sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941.

§ 130.2 *Definitions.* (a) The term "Order" shall refer to Executive Order No. 8389 of April 10, 1940, as amended.

(b) The term "regulations" shall refer to these regulations.

(c) The terms "property" and "property interest" or "property interests" shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, any debts, indebtedness or obligations, financial securities commonly dealt in by bankers, brokers, and investment houses, notes, debentures, stocks, bonds, coupons, bankers' acceptances, mortgages, pledges, liens or other right in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, vendors' sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trademarks, copyrights, contracts or licenses affecting or involving patents, trademarks or copyrights, insurance policies, safe deposit boxes and their contents, annuities, pooling agreements, contracts of any nature whatsoever, et cetera.

(d) Safe deposit boxes shall be deemed to be in the "custody" not only of all persons having access thereto but also of the lessors of such boxes whether or not such lessors have access to such boxes. The foregoing shall not in any way be

[1] 5 F.R. 1400.
[2] This issue.

regarded as a limitation upon the meaning of the term "custody."

(e) For the meaning of other terms reference should be made to the definitions contained in the Order. In interpreting rulings, licenses, instructions, etc., issued pursuant to the Order and regulations, particular attention is directed to the provisions of General Ruling No. 4, as from time to time hereafter amended.*

§ 130.3 *Licenses.* Applications for licenses to engage in any transaction referred to in sections 1 or 2 of the Order shall be filed in triplicate with the Federal Reserve Bank of the district or the Governor or High Commissioner of the territory or possession of the United States in which the applicant resides or has his principal place of business or principal office or agency, or if the applicant has no legal residence or principal place of business or principal office or agency in a Federal Reserve district or a territory or possession of the United States then with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco. Application forms may be obtained from any Federal Reserve Bank, the Governor or High Commissioner of a territory or possession of the United States, or the Secretary of the Treasury, Washington, D. C. The original of each application shall be executed under oath before an officer authorized to administer oaths, or if executed outside of the United States, before a diplomatic or consular officer of the United States. The applicant shall furnish such further information as shall be requested of him by the Secretary of the Treasury or the Federal Reserve Bank or other agency at which the application is filed. Licenses will be issued by the Secretary of the Treasury, acting directly or through any officers or agencies that he may designate, and by the Federal Reserve Banks, acting in accordance with such regulations, rulings, and instructions as the Secretary of the Treasury may from time to time prescribe, in such cases or classes of cases as the Secretary of the Treasury may determine. The Federal Reserve Bank or other agency at which an application is filed will advise the applicant of the decision respecting the application. Licenses for exports, withdrawals or imports, after having been cancelled by the collector of customs or the postmaster through whom the exportation, withdrawal or importation was made, may be returned by such collector of customs or postmaster to the licensee. Appropriate forms for applications and licenses will be prescribed by the Secretary of the Treasury. Licensees may be required to file reports upon the consummation of the transactions. The decision of the Secretary of the Treasury with respect to an application for license shall be final.*

§ 130.4 *Reports of property interests of all foreign countries and nationals thereof.* (a) On or before July 14, 1941, reports shall be filed on Form TFR–300, duly executed under oath, containing the information called for in such Form, with respect to all property subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to all property subject to the jurisdiction of the United States on the opening of business on June 14, 1941, in which on the respective dates any foreign country or any national thereof had any interest of any nature whatsoever, direct or indirect, regardless of whether a report on Form TFR–100 with respect to any such property shall have previously been filed. Such reports shall be filed by:

(1) Every person in the United States, directly or indirectly holding, or having title to, or custody, control or possession of such property on either or both of the aforementioned respective dates.

(2) Every agent or representative in the United States for any foreign country or any national thereof having any information with respect to such property.

Provided, That no report on Form TFR–300 need be filed where the total value of all property interests of any foreign country or national to be reported is less than $1,000.

Without any limitation whatsoever of the foregoing, reports on Form TFR–300, filed as required above, shall be filed by every partnership, trustee, association, corporation, or other organization organized under the laws of the United States or any state, territory, or district of the United States or having its principal place of business in the United States, with respect to any shares of its stock or any of its debentures, notes, bonds, coupons or other obligations or securities or any equity therein, in which any foreign country or any national thereof had on either or both of the aforementioned respective dates, any interest of any nature whatsoever, direct or indirect.

(b) Reports shall be executed and filed in quadruplicate with the Federal Reserve Bank of the district or the Governor or High Commissioner of the territory or possession of the United States in which the party filing the report resides or has his principal place of business or principal office or agency, or if such party has no legal residence or principal place of business or principal office or agency in a Federal Reserve district or a territory or possession of the United States, then with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco. A report shall be deemed to have been filed when it is received by the proper Federal Reserve Bank or other agency or when it is properly addressed and mailed and bears a postmark dated prior to midnight of the date upon which the report is due. Each Federal Reserve Bank or other agency shall promptly forward three copies of every report filed with it to the Secretary of the Treasury.

(c) (1) All spaces in the report must be properly filled in. Reports found not to be in proper form, or lacking in essential details, shall not be deemed to have been filed in compliance with the Order.

(2) Where space in the report form does not permit full answers to questions, the information required may be set forth in supplementary papers incorporated by reference in the report and submitted therewith. Supplementary documents and papers must be referred to in the principal statement in chronological or other appropriate order and be described in such manner that they can be identified.

(d) A separate report under oath must be filed by each person required to file a report except that persons holding property jointly may file a joint report.

(e) The Secretary of the Treasury may, in his discretion, grant such extensions of time or exemptions as he deems advisable for the making of any or all of the reports required by the regulations in this part.

(f) Report Form TFR–300 may be obtained from any Federal Reserve Bank, the Governor or High Commissioner of a territory or possession of the United States, or the Secretary of the Treasury, Washington, D. C.*

§ 130.5 *Penalties.* Section 5 (b) of the Act of October 6, 1917, as amended, provides in part:

* * * Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

*

§ 130.6 The regulations in this part and any rulings, licenses, or instructions issued hereunder shall not be deemed to authorize any transaction prohibited by reason of any other law, proclamation, order or regulation.*

§ 130.7 *Amendment, modification, or revocation.* The regulations in this part and any rulings, licenses, instructions, or forms issued hereunder may be amended, modified, or revoked at any time.*

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: June 14, 1941.

FRANKLIN D ROOSEVELT

[F. R. Doc. 41–4267; Filed, June 14, 1941; 1:10 p. m.]

PART 131—GENERAL LICENSE NO. 1, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

General License No. 1 is hereby amended to read as follows:

A general license is hereby granted authorizing any payment or transfer of credit to a blocked account in a domestic bank in the name of any blocked country or national thereof providing the following terms and conditions are complied with:

(1) Such payment or transfer shall not be made:

(a) From any blocked account in a domestic bank; or

(b) From any other blocked account if such payment or transfer represents, directly or indirectly, a transfer of the interest of a blocked country or national thereof to any other country or person.

(2) This general license shall not be deemed to authorize:

(a) Any payment or transfer to any blocked account held in a name other than that of the blocked country or national thereof who is the ultimate beneficiary of such payment or transfer; or

(b) Any foreign exchange transaction including, but not by way of limitation, any transfer of credit, or payment of an obligation, expressed in terms of the currency of any foreign country.

This general license should not be employed to make any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4289; Filed, June 16, 1941; 10:27 a. m.]

PART 172—GENERAL LICENSE NO. 42 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

A general license is hereby granted licensing as generally licensed nationals individuals who have been domiciled in and residing only in the United States at all times on and since the effective date of the Order and at all times on and since June 17, 1940, if such effective date is subsequent to June 17, 1940: *Provided, however,* That this license shall not be deemed to license as a generally licensed national any individual who is a national of a foreign country by reason of any fact other than that such individual has been a subject or citizen of a foreign country at any time on or since such effective date.

Reports on Form TFR-300 are not required to be filed with respect to the property interests of any individuals licensed herein as generally licensed nationals.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4268; Filed, June 14, 1941; 1:11 p. m.]

PART 173—GENERAL LICENSE NO. 43 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

A general license is hereby granted licensing the following as generally licensed nationals:

(a) Swiss American Corporation, New York; and

(b) The New York agencies of:

(i) Credit Suisse; and

(ii) Swiss Bank Corporation.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4269; Filed, June 14, 1941; 1:11 p. m.]

PART 174—GENERAL LICENSE NO. 44 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

The Roman Curia (or Curia Romana) of the Vatican City State is hereby licensed as a generally licensed national and all persons to the extent that they are acting for and on behalf of the Vatican City State are hereby licensed as generally licensed nationals.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4270; Filed, June 14, 1941; 1:12 p. m.]

PART 175—GENERAL LICENSE NO. 45 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

(1) A general license is hereby granted authorizing any banking institution within the United States to make payments from blocked accounts, other than blocked accounts of Norway, Denmark, the Netherlands, Belgium, Luxembourg, France, Latvia, Estonia, Lithuania, Rumania, Bulgaria, Hungary, Yugoslavia, or Greece, or any national thereof:

A. Of checks and drafts drawn or issued prior to June 14, 1941, and to accept and pay and debit to such accounts drafts drawn prior to June 14, 1941, under letters of credit provided:

(1) The amount involved in any one payment, acceptance, or debit does not exceed $500; or

(2) The amount involved in any one payment, acceptance, or debit does not exceed $10,000 and the check or draft was within the United States in process of collection on or prior to June 14, 1941; and

B. Of documentary drafts drawn under irrevocable letters of credit issued or confirmed by a domestic bank prior to June 14, 1941.

(2) This general license shall not be deemed to authorize any payment to a blocked country, or national thereof, except payments into a blocked account in a domestic bank unless such foreign country or national is otherwise licensed to receive such payments.

(3) Banking institutions making any payment or debit authorized by this general license shall file promptly with the appropriate Federal Reserve Bank weekly reports showing the details of such transactions.

(4) This license shall expire at the close of business on July 14, 1941.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4271; Filed, June 14, 1941; 1:12 p. m.]

PART 176—GENERAL LICENSE NO. 46 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

(1) A general license is hereby granted authorizing payments, transfers or withdrawals from blocked accounts, in domestic banks, of any partnership, association, corporation or other organization engaged in commercial activities within the United States and which is a national of any blocked country for the purpose of paying current salaries, wages or other compensation due employees of such organization, provided that:

(a) such employees are engaged in employment in and residing in the United States; and

(b) the total payments, transfers or withdrawals from blocked accounts of any such organization for such purposes does not exceed in any one week the average weekly payroll, for such employees of such organization, during the six months' period immediately preceding the date of this license.

(2) Any bank effecting any such payment, transfer or withdrawal shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.

(3) Each such organization shall promptly file weekly reports in triplicate with the appropriate Federal Reserve

[1] Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941; Regulations, April 10, 1940, as amended June 14, 1941.

Bank with respect to any such payments, transfers or withdrawals made from its blocked accounts during the reporting period. Such report shall include: (a) the total amount of such payments, transfers or withdrawals made during such period; (b) the names and addresses of the domestic banks holding the blocked accounts from which such payments, transfers or withdrawals were made, and the amount of such payments, transfers or withdrawals made from the blocked accounts in each bank; and the first weekly report filed by such organization shall include (c) comparable data for each of the six months preceding the date of this license.

(4) The provisions of this license shall not be applicable to the accounts of any such organization which is a national of Norway, Denmark, the Netherlands, Belgium, Luxembourg, France, Latvia, Estonia, Lithuania, Rumania, Bulgaria, Hungary, Yugoslavia, or Greece.

(5) This license shall expire at the close of business on July 15, 1941.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4272; Filed, June 14, 1941; 1:13 p. m.]

PART 177—GENERAL LICENSE NO. 47 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

A general license is hereby granted licensing Banco di Napoli Trust Company of New York as a generally licensed national.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4273; Filed, June 14, 1941; 1:13 p. m.]

PART 177A—GENERAL LICENSE NO. 47 A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

A general license is hereby granted licensing Banco di Napoli Trust Company, Chicago, Illinois, as a generally licensed national.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4288; Filed, June 16, 1941; 10:27 a. m.]

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[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941; Regulations, April 10, 1940, as amended June 14, 1941.

PART 178—GENERAL LICENSE NO. 48 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JUNE 14, 1941.

A general license is hereby granted authorizing banking institutions within the United States to complete, on or before June 17, 1941, purchases and sales made prior to 11 A. M., Eastern Standard time, June 14, 1941, of securities purchased or sold for the account of any foreign country designated in section 3 (j) of the Order, or any national thereof, provided that

(a) the proceeds of such sale are credited to a blocked account in a banking institution in the name of the person for whose account the sale was made; and

(b) the securities so purchased are held in a blocked account in a banking institution in the name of the person for whose account the purchase was made.

Banking institutions within the United States engaging in any transactions authorized by this General License shall file promptly with the appropriate Federal Reserve Bank reports setting forth the details of such transactions; including the name of the person for whose account the purchase or sale was made, the nationality of such person, the price at which each such purchase or sale was made, a description of the securities purchased or sold, the date of the purchase or sale, an appropriate indentification of the blocked account to which the proceeds of such sale were credited and in which the securities so purchased are held, and the name of the banking institution holding such blocked account.

This General License shall not be deemed to authorize:

(a) The purchase or sale of any security registered or inscribed in the name of any blocked country or any national thereof;

(b) Any transaction for which a license is required under section 2 A (1) of the Order unless the provisions of General License No. 25 have been complied with; or any transaction for which a license is required under section 2 A (2) of the Order.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4287; Filed; June 16, 1941; 10:27 a. m.]

CHAPTER II—BUREAU OF ACCOUNTS

[1941, First Supplement to Department Circular No. 570 Revised[1]]

PART 226—SURETY COMPANIES

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

JUNE 13, 1941.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the Act of Congress approved March 23, 1910, 36 Stat. 241, (U. S. Code, title 6, secs. 6-13) as an acceptable surety on Federal bonds. An underwriting limitation of $255,000 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

Name of company, location of principal executive office and State in which incorporated

New York

North American Casualty and Surety Reinsurance Corporation, New York.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4254; Filed, June 14, 1941; 11:37 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Amendment No. 72]

AMENDING THE REGULATIONS BY PRESCRIBING RULES AND REGULATIONS FOR CONSCIENTIOUS OBJECTORS OPPOSED TO COMBATANT AND NONCOMBATANT SERVICE

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective upon the filing hereof with the Division of the Federal Register, Volume Three,[2] section XXV, Selective Service Regulations, by striking out the present Paragraph 365 and substituting therefor the following:

365. *Conscientious objectors opposed to combatant and noncombatant service.* *a.* In Class IV-E shall be placed every registrant who, after physical examination, is found fit for general military

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[1] Last revision appears at 5 F.R. 3657.
[2] 5 F.R. 3923.

service according to the standards prescribed in Volume Six, "Physical Standards," and who, but for his conscientious objection to both combatant and noncombatant service, would have been placed in Class I–A.

b. In Class IV–E (limited service) shall be placed every registrant who, after physical examination, is found fit only for limited military service according to the standards prescribed in Volume Six, "Physical Standards," and who, but for his conscientious objection to both combatant and noncombatant service would have been placed in Class I–B. Class IV–E (limited service) registrants will be assigned to work of national importance under civilian direction, if and when Class I–B registrants are called by the land or naval forces for training and service. Registrants so held in Class IV–E because of limited physical fitness will be carried as "IV–E (limited service)" on the classification record (Form 100). Local boards will advise State Headquarters of the limited service classification when Form 48 (Conscientious Objector Report) is prepared by stating this information nnder "Remarks".

c. When the local board places a registrant in Class IV–E, it shall prepare four copies of *Conscientious Objector Report* (Form 48), which shall be signed by a member of the local board, and file them in the cover sheet of the registrant until his Order Number is reached.

d. Only at the time, when, but for his being in Class IV–E, a registrant would be inducted into the land or naval forces by reason of his Order Number being reached in order to fill a call upon his Local Board, he shall, in lieu of selection for induction into the land or naval forces, be selected for assignment to work of national importance under civilian direction, and the local board shall advise the State Director of Selective Service of the Order Number being reached by forwarding three copies of Form 48, one copy remaining in the registrant's cover sheet. The State Director of Selective Service, immediately upon receiving triplicate copies of Form 48 from the local board, will forward two copies to the Director of Selective Service and file the other copy in his office.

e. The Director of Selective Service will assign registrants classified in Class IV–E whose Order Numbers have been reached to work of national importance under civilian direction and will advise the State Director of the assignment made and of the place where the registrant thus selected shall report for work by transmitting to the State Director such information on (Form 49) *Assignment to Work of National Importance*, in duplicate. The State Director will immediately forward one copy of Form 49 to the local board of the registrant concerned and will file the second copy in his office.

f. Upon receipt of Form 49, the local board will prepare six copies of the *Order to Report for Work of National Importance* (Form 50). One copy of Form 50 is mailed to the assigned man, and should be mailed in time to allow ten days' notice before reporting for transportation to the camp. The local board will prepare the necessary transportation requests and meal or lodging requests for use between the local board and the camp. Local boards will follow the same procedure, except as otherwise provided herein, in the delivery of the registrant for assignment to work of national importance to the camp specified as is followed in the case of a registrant delivered for induction into the land or naval forces.

When the registrant is entrained to camp, the local board will mail five copies of Form 50 to the Camp Director.

The Camp Director will complete Form 50, and shall forward four copies to National Headquarters of the Selective Service System, retaining one copy for the camp files. National Headquarters will forward two copies to State Headquarters. State Headquarters will file one copy and mail the second copy to the local board for its file.

g. If a registrant assigned to work of national importance under civilian direction fails or neglects to abide by the rules and regulations prescribed or established by the Director of Selective Service, he shall be reported to the Director of Selective Service, through the Camp Operations Division of National Headquarters, and the Director of Selective Service may report such conduct of the registrant to the local board. Thereupon the local board may reopen the case of the registrant and consider his classification anew (see section XXX), giving consideration to whether the reported conduct of the registrant indicates that he was erroneously placed in Class IV–E or IV–E (limited service), as the case may be. If the case is reopened and the local board decision is a classification in Class I–A or I–A–O [I–B or I–B–O as to Class IV–E (limited service)], the registrant shall be included in the first subsequent call upon his local board, and a copy of his Order to Report for Induction shall be sent to the Director of Selective Service, who shall make the necessary arrangements to deliver such registrant to the local board at the time and place directed in such order for induction, or to a local board in accordance with paragraph 425, and such registrant shall thereafter be subject to induction in the same manner as any other registrant.

h. When a registrant has completed his assignment to work of national importance or for any other reason is released or discharged from such assignment, the Director of Selective Service may arrange for or provide him with transportation, meals, and lodging from the place of discharge to (1) the local board from which the registrant was assigned, or (2) the registrant's home, if the distance thereto is equal to or less than the distance to the local board of assignment, or (3) any other place chosen by the registrant if the distance thereto is equal to or less than the distance to the local board of assignment or registrant's home; provided, that if a registrant has been transferred to the place of discharge for the convenience of the registrant, the Director of Selective Service will not be responsible for providing the registrant with transportation, meals, or lodging in excess of the transportation, meals, and lodging which would have been required had such transfer not taken place.

LEWIS B. HERSHEY,
Deputy Director.

JUNE 13, 1941.

[F. R. Doc. 41–4223; Filed, June 13, 1941; 2:01 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 929—MATERIAL FOR THE PRODUCTION OF CRANES

Amendment No. 1 to General Preference Order No. P–5 for Material for the Production of Cranes

§ 929.2 *General preference order amendment No. 1.* (a) Section 929.1 (General Preference Order No. P–5,[1] for material for the production of cranes) is hereby amended so as to add hydraulic bridge brakes to Exhibit A thereof, and preference rating A–1–a is hereby assigned to such brakes, subject to the terms, conditions, requirements, and the obligations set forth in § 929.1.

(b) A producer desiring to apply the preference rating assigned hereby to deliveries of hydraulic bridge brakes by any particular supplier should attach a photostatic or photographic copy of this amendment to an executed copy of § 929.1, which copy should be furnished to the supplier in the manner provided by paragraph (f) of said Section.

(c) Except as hereby expressly amended, § 929.1 shall remain in full force and effect.

(d) This Order, and the assignment of said preference rating hereunder, shall take effect on the 16th day of June, 1941, and, unless sooner revoked, shall expire on the 31st day of July, 1941. O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec 2 (a), Public, No. 671, 76th Congress)

Issued this 14th day of June 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–4303; Filed, June 16, 1941; 11:07 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

PRICE SCHEDULE NO. 9—HIDES, KIPS AND CALFSKINS

Cattle hides and kips and calfskins are the basic raw materials of the shoe

[1] 6 F.R. 2604.

and leather industry. Shoes and other leather products are purchased in large quantities by the War and Navy Departments. Defense industries use large quantities of industrial leather. Shoes are one of the most important single items in the average family clothing budget, and a substantial factor in the personal equipment of the military forces. Marked increases in shoe prices would be a serious threat to stability in the living costs of all members of the community. Accordingly, it is apparent that instability of hide and leather prices would be inimical to the general public welfare.

Since August, 1940, hide prices have risen steadily with only an occasional slight interruption in their upward trend. Shoe prices have been under pressure from hide prices. Beginning in February, 1941, this upward trend became so pronounced as to stimulate speculative buying of hides and skins, and forward buying of shoes and other leather products. On March 15th, in an effort to check this inflationary spiral, the Price Stabilization Division of the Advisory Commission to the Council of National Defense issued a general warning pointing out that the basic supply and demand factors did not justify increases in hide prices and attributing such increases to purely speculative influences. Despite this warning, hide prices in recent weeks have reached their highest level since 1928 with the exception of one week in 1937. These increased prices have been reflected in the latest bids on shoes for the Army and the Civilian Conservation Corps. Therefore, the War Department rejected all bids on 1,000,008 pairs of shoes for the Army and 283,816 pairs of shoes for the Civilian Conservation Corps.

It is apparent, therefore, that the public interest requires that maximum prices be established for hides, kips and calfskins.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, and after consultation with the Price Administration Committee, It is hereby directed that:

§ 1314.1 *Maximum price established for hides.* On and after June 16, 1941, regardless of the terms of any contract or sale or purchase or other commitment, no person shall sell or deliver, or offer to sell or deliver, any hides, whether for immediate or future delivery, and no person shall buy, or accept for delivery, any hides, whether for immediate or future delivery, at a price exceeding the maximum price set forth in Appendix A, incorporated herein as § 1314.11. Lower prices may, however, be charged, demanded, paid or offered.*

*§§ 1314.1 to 1314.14, inclusive, are issued pursuant to the authority contained in Executive Order No. 8734.

§ 1314.2 *Maximum prices established for kips and calfskins.* On and after June 16, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell or deliver, or offer to sell or to deliver, any kips or calfskins, whether for immediate or future delivery, and no person shall buy, or accept for delivery, any kips or calfskins, whether for immediate or future delivery, at a price exceeding the maximum prices set forth in Appendix B, incorporated herein as § 1314.12. Lower prices may, however, be charged, demanded, paid or offered.*

§ 1314.3 *Completion of contracts made prior to June 16, 1941.* (a) Any person who has, prior to June 16, 1941, acquired hides, kips or calfskins at a price higher than the applicable maximum price set forth in § 1314.11 [Appendix A] or § 1314.12 [Appendix B] and prior to that date, entered into a firm commitment for the sale of such hides, kips or calfskins to any person, may, upon application to the Office of Price Administration and Civilian Supply as hereinafter provided, be permitted to deliver and accept payment for, such hides, kips or calfskins at the price contracted for, provided that deliveries are completed on or before August 15, 1941.

(b) Such application shall be made to the Office of Price Administration and Civilian Supply on or before July 15, 1941, on Application Form 109:1 set forth in Appendix C which is incorporated herein as §1314.13. Copies of Application Form 109:1 can be procured from the Office of Price Administration and Civilian Supply, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons desiring to make application hereunder.*

§ 1314.4 *Commissions.* In the event that a seller of hides, kips or calfskins small employ a broker to sell hides, kips or calfskins on his behalf, or in the event that a buyer shall employ a broker to buy, receive and ship hides, kips or calfskins on his behalf, a brokerage commission of not more than 3% of the purchase price may be charged for such services and added to the maximum prices established hereunder. A commission may not be charged to both buyer and seller. A commission shall be payable only if (a) it is shown as a separate charge in billing; (b) the hides, kips or calfskins are purchased or sold at a price not higher than the applicable maximum price established by this part; and (c) no broker splits or divides the commission with the buyer or with the seller.*

§ 1314.5 *Maintenance of customary channels of supply.* (a) Insofar as practicable, the purchase and sale of hides, kips and calfskins shall be made through the channels customarily utilized by dealers, collectors, brokers, packers, abattoirs, butchers and tanners in order to prevent dislocation of the machinery of collection, shipment and sale thereof and to insure to packers, abattoirs and butchers the customary markets for hides, kips and calfskins and to tanners the customary source of supply thereof.

(b) Packers, abattoirs and butchers who are tanners of hides, kips or calfskins and who have also supplied tanners in the past, shall, to the greatest possible extent, continue to supply hides, kips or calfskins to such tanners in the same amounts and grades as they have customarily supplied in the past.*

§ 1314.6 *Records.* Every person who during any calendar month shall purchase or sell one carload or more of hides, kips or calfskins, whether for immediate or future delivery, shall keep for inspection by the Office of Price Administration and Civilian Supply, and preserve for a period of not less than one year, a complete and accurate record of every purchase or sale of hides, kips or calfskins made during such month and thereafter, including the names of the persons involved, the dates of the purchases or sales, the prices, and the quantity and grades of the hides, kips or calfskins so purchased or sold.*

§ 1314.7 *Reports.* On or before July 10, 1941, and on or before the 10th day of each month thereafter, every person who during the preceding calendar month has purchased, whether for immediate or future delivery, hides, kips or calfskins shall submit to the Office of Price Administration and Civilian Supply a report on Form 109:2 (set forth in Appendix D, which is incorporated herein as § 1314.14), in which shall be set forth a sworn statement that during such month all such purchases were made at prices in conformity with this Schedule or with any exception or modification thereof. Copies of Form 109:2 can be procured from the Office of Price Administration and Civilian Supply, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit reports hereunder.

Buyers of hides, kips and calfskins shall submit such further reports as the Office of Price Administration and Civilian Supply may, from time to time, require.*

§ 1314.8 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, and other provisions contained in this part, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in this Schedule, the Office of Price Administration and Civilian Supply will make every effort to insure (a) that the Congress and the public are fully informed of any failure to abide by the provisions of this part, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interest of those persons who conform with this part, in the observance of the maximum prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or any evasion of or effort to evade such prices, or of speculation, or of the hoarding or accumulation of unnecessary inventories of hides, kips or calfskins, are urged to communicate with the Office of

Price Administration and Civilian Supply.*

§ 1314.9 *Modifications of the price schedule.* Persons complaining of hardship or inequity in the operation of this part may apply to the Office of Price Administration and Civilian Supply for approval of any modification thereof or exception thereto.*

§ 1314.10 *Definitions.* (a) The term "person" includes an individual, corporation, association, partnership, or other business entity.

(b) The term "hides, kips or calfskins" means hides and skins of domestic cattle of the bovine species.

(c) The term "domestic" means originating from the continental United States.

(d) The term "broker" means any person who acts on behalf of a principal in connection with the collection, sale, purchase, receipt or shipment of hides, kips, or calfskins.

(e) The term "carload" means a shipment of 36,000 pounds.*

§ 1314.11 *Appendix A, maximum price for domestic hides.*

	Price per lb., F. O. B. Chicago, Freight Equalized [a]
Hides	$0.15

[a] The term "F. O. B. Chicago, Freight Equalized" used in this part has the meaning generally accepted in the industry, to wit: The maximum price F. O. B. Chicago, Freight Equalized, which a purchaser may pay under this part shall not exceed the maximum price set forth above plus either (a) freight from Chicago to destination or (b) freight from shipping point to destination, whichever is less; except that on shipments by sellers from points located east of Chicago, Illinois, the maximum price is F. O. B. shipping point.

In no case shall the price of any grade of domestic hides exceed the maximum price set forth in this section.

§ 1314.12 *Appendix B, Maximum prices for domestic kips and calfskins.*

STANDARD PRESENT TRIM

	Price Per Lb., F. O. B. Chicago Freight Equalized. [a]
Packer Kips, No. 1 Northern Native	[b] $0.20
Chicago Packer, Heavy Northern (9½ to 15 lbs)	[b] .27
Chicago Packer Lights (less than 9½ lbs.)	[b] .23½

	Price Per Lb., F. O. B. Shipping Point
Chicago City (10 to 15 lbs.)	$0.23
Chicago City (8 to 10 lbs.)	.20½

	Price Per Skin, F. O. B. Shipping Point
Chicago City (less than 8 lbs.)	$1.43
New York Packer (5 to 7 lbs)	1.80
New York Packer (7 to 9 lbs.)	2.80
New York Packer (9 to 12 lbs.)	3.80
New York Packer (12 to 17 lbs.)	4.20
New York Packer (17 lbs. or more)	4.60
New York Collector (4 to 5 lbs.)	1.30
New York Collector (5 to 7 lbs.)	1.65
New York Collector (7 to 9 lbs.)	2.60
New York Collector (9 to 12 lbs.)	3.55
New York Collector (12 to 17 lbs.)	3.95
New York Collector (17 lbs. or more)	4.35

[a] The term "F. O. B. Chicago, Freight Equalized" shall have the same meaning as that set forth in note "a" to § 1314.11 [Appendix A].

[b] The maximum prices for Packer Kips and Chicago Packer Calfskins taken off in the months of November, December and January shall be the prices set forth in this part reduced by deducting ten per cent from the net weight of the lot sold or purchased.

In no case shall the price of any grade of domestic kips or calfskins exceed the highest maximum price set forth in this section for kips and calfskins of corresponding weight, respectively.

§ 1314.13 *Appendix C, Form 109:1.*

OFFICE FOR EMERGENCY MANAGEMENT, OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

WASHINGTON, D. C.

109:1

APPLICATION OF

_____
(Name of Applicant)

_____
(Address)

For permission to sell hides, kips or calfskins at prices higher than the maximum prices established by price schedule No. 9.

Introductory. The applicant should file a sworn original and one copy of each application, and duplicates of each Appendix thereto with the Office of Price Administration and Civilian Supply, Washington, D. C.

Pursuant to § 1314.3 of this part and in order to avoid hardship or inequity in the operation of this part, the Office of Price Administration and Civilian Supply will grant permission to any dealer or other person, herein referred to as the applicant, to deliver hides, kips or calfskins, in accordance with the terms of any firm commitment made prior to June 16, 1941, at prices in excess of the applicable maximum fixed in this part.

The applicant should furnish in the Appendices to the application such information as may be relevant in determining whether the conditions set forth above have been met. The Appendices should be prepared only after reading the Instructions and Explanations of this form contained herein.

Application is hereby made pursuant to § 13.14.3 of this part for permission to deliver hides, kips, or calfskins in accordance with the terms of the firm commitments described in § 1314.11 [Appendix A], attached hereto, *and to that end* the applicant affirms:

A. That this application is filed for the purpose of enabling the applicant, by completing sales of hides, kips or calfskins according to the terms of such firm commitments, to avoid loss in the disposition of quantities of such hides, kips or calfskins purchased prior to June 16, 1941; and

B. That the firm commitments described in § 1314.11 [Appendix A] were made prior to June 16, 1941, and that deliveries thereon have not been made, except to the extent indicated in § 1314.11; and

C. That the applicant, in the manner and to the extent indicated in § 1314.12, has acquired hides, kips or calfskins at prices higher than the applicable maximum prices fixed in this part; and

D. That, as of June 16, 1941, the applicant held in its inventory as indicated in § 1314.12 hides, kips or calfskins in quantities sufficient to complete delivery on the firm commitments described in § 1314.11; and

E. That the information contained in this application and in the Appendices attached hereto is complete and accurate to the best knowledge of the applicant.

The applicant understands and agrees that any permission granted pursuant to this application to sell hides, kips or calfskins at prices in excess of those established by this part may be revoked at any time, in whole or in part, upon it appearing that the facts are not as set forth in this Application and the Appendices attached hereto or that, for any reason, applicant is not entitled under the terms of this part, to such permission.

_____
Applicant

By_____
Title of Office:_____

Date this ____ day of _____, 1941.

STATE OF _____
County of _____ *ss.*

On this ____ day of _____, 1941, before me personally appeared _____, who being first duly sworn did depose and say that he is the _____ of the _____: that he executed the foregoing Application on behalf of said _____ and was duly authorized so to do, and that he has knowledge of the facts and statements set forth in said Application and in the Appendices thereto and that they are accurate and complete to the best of his knowledge, information and belief.

_____
Notary Public in and for the County of _____, *State of* _____

My Commission expires _____.

Instructions and Explanation

1. Section 1314.11 [Appendix A] should contain a description of all the firm commitments which the applicant is seeking permission to complete. This description must be sufficiently complete to permit absolute identification of each such firm commitment and every relevant term thereof with respect to which permission is sought. The permission granted pursuant to this application will cover only delivery in accordance with the terms of the firm commitments as such terms are described in § 1314.11.

The applicant, therefore, should include in § 1314.11 at least the following information with respect to each such firm commitment.

(a) Name and address of the purchaser, indicating whether the purchaser is a tanner, dealer, collector, or other person purchasing hides, kips or calfskins for resale.

(b) Date on which the firm commitment was made.

(c) Form of commitment, i. e., oral, exchange of letters, order form, signed agreements, etc.

(d) The grades and quantities, in carloads of 36,000 pounds of each grade of hides, kips or calfskins committed giving (1) grades and quantities of each grade already delivered; (2) grades and quantities of each grade remaining to be delivered after June 16, 1941; (3) delivery date or dates; and (4) selling price per pound of each grade.

If the commitment is in the form of a written agreement, a copy of the agreement should be made part of § 1314.11 and submission thereof may be sufficient to supply the required information.

The applicant should not include in § 1314.11 firm commitments which in the aggregate call for deliveries after June 16, 1941, of hides, kips and calfskins in quantities greater than the quantities acquired at prices higher than the established maximum prices and held on June 16, 1941, by the applicant. Exception will not be granted under § 1314.3 of this part in excess of this amount.

2. Section 1314.12 [Appendix B] should contain the best evidence the applicant can produce to establish that the prices paid by the applicant for the hides, kips or calfskins acquired to fulfill the commitments described in § 1314.11 were higher than the established maximum prices.

The applicant, wherever possible, should give, with respect to each such acquisition, (a) name of the person from whom the hides, kips or calfskins were acquired; (b) date of purchase; (c) grades and quantities, in carloads of 36,000 pounds of each grade,

delivered to the applicant, and delivery date or dates; and (d) price per pound at which each grade was acquired. It may also be possible to identify such materials as some particular lot or part of present stocks. Information should be submitted in such form and detail as is practicable in the individual case.

3. *Definitions:*

(a) "Firm commitment" means any binding obligation to sell, deliver, or transfer at a fixed price.

(b) "Hides, kips or calfskins" and "grades" of hides, kips or calfskins mean the kinds and grades of hides, kips or calfskins referred to in Price Schedule No. 9.

§ 1314.14 *Appendix D, Report Form 109:2 for buyers of hides, kips or calfskins.*[1]

OFFICE FOR EMERGENCY MANAGEMENT

OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

For the purpose of making a report as required by § 1314.7 of Price Schedule No. 9 of the Office of Price Administration and Civilian Supply, I have examined the purchase records for the month of _____, 194__, of _____, _____
(Name of buyer) (Address)
of which concern I am _____. During that period the above-named concern has made no purchases for immediate or future delivery of hides, kips or calfskins at prices in excess of those established by the aforesaid Price Schedule No. 9.[2]

Subscribed and sworn to before me this _____ day of _____.

_____
(Signature)

_____
(Notary Public)

My commission expires _____.

[1] This report must be signed by the buyer or by a partner or officer of the buyer.

[2] In the event that any purchases have been made at prices in excess of those established by the Schedule the text of the above should be suitably changed and a list should be appended hereto giving with respect to each such purchase the name of the seller, the date of the purchaser, the delivery date, the quantity and the reasons for exceeding the maximum price.

Issued this 13th day of June, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-4261; Filed, June 14, 1941; 11:50 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 20—SPECIAL REGULATIONS

VANDERBILT MANSION NATIONAL HISTORIC SITE

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), and the Act of August 21, 1935 (49 Stat. 666, 16 U.S.C., Supp. V, 462), the following regulations are prescribed for Vanderbilt Mansion National Historic Site, to become effective immediately:

§ 20.37 *Vanderbilt Mansion National Historic Site*—(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 15 miles per hour on all roads.

(b) *Admission to mansion.* No person or persons will be permitted to enter the mansion unless accompanied by National Park Service employees.

(c) *Fishing.* Fishing is prohibited.

(d) *Picnicking.* Picnicking is prohibited. (39 Stat. 535, 16 U.S.C. 3; 49 Stat. 666, 16 U.S.C., Supp. V, 462).

Approved: June 6, 1941.

[SEAL] OSCAR L. CHAPMAN,
Acting Under Secretary.

[F. R. Doc. 41-4286; Filed, June 16, 1941; 10:31 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 127]

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Amendment

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended (Act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023), the regulations for the safe carriage of explosives or other dangerous articles or substances, and combustible liquids, as promulgated January 7, 1941, are hereby amended effective June 14, 1941, under the emergency provision contained in subsection (9) of R.S. 4472, as amended, as follows:

§ 146.27-100[1] Table K.—Classification: Hazardous articles.

Substance: Shellac, raw.

In each of the four columns headed "Cargo vessel"; "Passenger vessel"; "Ferry vessel, passenger or vehicle"; "Railroad car ferry, passenger or vehicle"; under "Outside containers" add: "Burlap bags", "Cotton liner bags".

(R.S. 4472, as amended; act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023; 46 U.S.C. 170)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

JUNE 13, 1941.

[F. R. Doc. 41-4260; Filed, June 14, 1941; 11:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[No. 4844]

BILLS OF LADING, DOMESTIC BILL OF LADING, AND LIVE STOCK CONTRACT

Decided June 14, 1941. Changes in certain sections of the uniform domestic bill of lading and uniform live stock contract, authorized and approved. Prior reports 52 I.C.C. 671, 64 I.C.C. 357, 66 I.C.C. 63, 167 I.C.C. 214, 172 I.C.C. 362. A. H. Greenly, E. H. Dulaney and R. C. Fyfe for petitioners. Other appearances same as in former reports.

SUPPLEMENTAL REPORT OF THE COMMISSION

PORTER, *Commissioner:* Our attention has been directed to Supplement No. 6 to Consolidated Freight Classification No. 14 effective June 15, 1941, wherein the rail carriers proposed to change sections 7 and 9 (a) of the uniform domestic bill of lading and sections 3 and 5 (a) of the uniform live stock contract. These forms were prescribed by the Commission. See 52 I.C.C. 671, 64 I.C.C. 357, 66 I.C.C. 63, 167 I.C.C. 214, and 172 I.C.C. 362. The changes were made despite the fact that the law contemplates no modifications should be made in these forms without our prior approval.

The changes in question were said to have been made so as to bring the terms and conditions into compliance with the requirements of the Transportation Act of 1940. In view of that fact the carriers did not deem our approval necessary. On June 5, 1941, they filed a petition asking that we approve the changes made in the schedule referred to. Petitioners assert that to defer operation of the schedule will add considerable expense for publication and distribution of an additional supplement postponing the effective date, which expense they urge be avoided. In addition, it is stated that millions of bills of lading containing the changes have been printed by shippers and to postpone the effective date of the schedule will cause confusion and financial loss to them. The revised sections are set forth in the appendix,[1] the specific changes being shown in italics.

Petitioners also request that authority be granted to use the following stamp on old forms of bills of lading:

This shipment is tendered and received subject to the terms and conditions of the company's uniform bill of lading, effective June 15, 1941.

_____
(Agent's signature)

Shippers and carriers have purchased thousands of these stamps and petitioners state that if it is necessary to discard them, unwarranted loss will result.

The petition was served upon all parties who it was expected would be interested. Widespread notice of the changes requested in the petition was also given. Thousands of shippers had been previously advised in the regular course of the contemplated changes, having been furnished with copies of Supplement No. 6. No protests against the schedule in question were received. The time allowed by our Rules of Practice for filing such protests expired on June 5, 1941. No replies have thus far been made to the petition which outlines the requested changes. Although the time for filing such replies has not yet expired, we are of the opinion that if there were any

[1] 6 F.R. 502.

[1] Filed as part of the original document.

objections to the changes they would have been submitted by protests against the schedule taking effect, particularly since such schedule was issued under date of April 25, 1941.

Inasmuch as the changes appear to conform to the provisions of the Transportation Act of 1940, we approve and adopt them as just and reasonable in respect to the modification of sections 7 and 9 (a) of the uniform domestic bill of lading and sections 3 and 5 (a) of the uniform live stock contract. Pending such time as the supply of old forms of bills of lading and live stock contracts are exhausted, we also authorize the stamping of the old forms in the manner above set forth. No order is necessary.

Commissioner Lee was absent and did not participate in the disposition of this proceeding.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 41-4264; Filed, June 14, 1941; 11:52 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 91—ALASKA GAME REGULATIONS

REGULATIONS RESPECTING GAME ANIMALS, LAND FUR-BEARING ANIMALS, GAME BIRDS, NONGAME BIRDS, AND NESTS AND EGGS OF BIRDS IN ALASKA

Pursuant to the authority and direction contained in section 10 of the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended by acts of February 14, 1931, 46 Stat. 1111; June 25, 1938, 52 Stat. 1169 (48 U.S.C. 198); and October 10, 1940, Public No. 836, 76th Congress, I, Harold L. Ickes, Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, and having determined when, to what extent, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds may be taken, possessed, transported, bought, or sold in Alaska, in accordance with such determinations do hereby amend regulations 4, 8, 9, 11, 13, 14, 18, 24, and 35, and regulation 5, schedule a and regulation 6, schedule b of the regulations respecting game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds in Alaska (Circular AGC–18; 5 F.R. 2288; 50 CFR 91) to the extent herein set out, and hereby adopt, effective July 1, 1941, said amended regulations as suitable regulations permitting and governing the taking of game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds in Alaska:

Section 91.4 [Regulation 4] is amended to read as follows:

§ 91.4 *Using game and food for dogs or land fur-bearing animals or as crab bait.* No person is permitted to feed any mountain sheep (bighorn) or deer, or part thereof, to any dog or to any land fur-bearing animal held in captivity, and no person is permitted to feed any other game animal, protected bird, or part thereof, to a dog or to a land fur-bearing animal held in captivity, except the waste parts, such as hides, viscera, and bones; and no person is permitted to use any part of any game animal or protected bird for crab bait.

Section 91.8 [Regulation 8] paragraph (g), is amended to read as follows:

§ 91.8 *Open seasons and limits on certain game animals.*

* * * * *

(g) *Bear (black, including its brown and blue, or glacier bear, color variations).* In the First and Third Judicial Divisions of the Territory, September 1 to June 20, in rest of Territory, no close season.

Limit. By nonresident, in First Judicial Division, 2 a season; elsewhere in Territory, 3 a season. By resident, in First and Third Judicial Divisions, 3 a season; elsewhere in Territory, no limit.

Section 91.9 [Regulation 9] paragraph (a), is amended to read as follows:

§ 91.9 *Possession and transportation of game animals.* * * * Game animals (except live animals) legally taken in numbers not exceeding the respective season limits prescribed in regulation 8, the hides, heads, and feet thereof, and articles made therefrom, may be possessed and transported by any person at any time within the Territory, and, as hereinafter permitted by this regulation, may be transported out of the Territory; but until dismembered for consumption, either the horns or the external sex organs of deer, moose, or mountain sheep shall be left attached to the carcass.

Section 91.11 [Regulation 11], *Sale and serving of caribou and moose,* is amended by striking out the words "caribou and moose" in the heading and "caribou or moose" in paragraphs 2, 3, 4, and 5, and inserting in lieu thereof in each instance the words "game animals."

Section 91.13 [Regulation 13] *Fur districts and open seasons and limits on land fur-bearing animals,* is amended as follows:

Fur district 1, under subhead "Open seasons," shall read:

Mink, land otter, weasel (ermine), fox (red, cross, and silver), and lynx. December 10 to January 10.

Marten. No open season.

Muskrat. No open season.

Beaver. No open season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 2, under subhead *"Open seasons,"* shall read:

Mink, land otter, weasel (ermine), fox (red, cross, and silver), and lynx. December 1 to the last day of February.

Marten. No open season.

Muskrat. April 1 to May 31.

Beaver. No open season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 5, under subhead *"Open seasons,"* shall read:

Mink, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx. December 1 to the last day of February.

Marten. No open season.

Muskrat. North of the Unalakleet River drainage, April 1 to June 7; south of the Unalakleet River, including its drainage, April 1 to May 31.

Beaver. March 11 to April 15. *Limit.* 10 a season.

Wolf, coyote, wolverine, polar bear, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 6, under subhead *"Open seasons,"* shall read:

Mink, land otter, weasel (ermine), fox, (red, cross, silver, white, and blue), and lynx. November 16 to February 20.

Marten. No open season.

Muskrat. March 10 to May 31.

Beaver. February 21 to March 31; except there shall be no open season in the Copper River drainage, or in that part of the Tanana River drainage east of the Richardson Highway from Richardson Monument (Mile 202 from Valdez) to Big Delta (Mile 280 from Valdez) and south and east of the Goodpaster River drainage. *Limit.* 10 a season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur District 7, under subhead "Open seasons," shall read:

Mink, land otter, weasel (ermine), fox, (red, cross, silver, white, and blue), and lynx. November 6 to February 20.

Marten. No open season.

Muskrat. March 1 to May 31.

Beaver. February 21 to March 31. *Limit.* 10 a season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 8, under subhead *"Open seasons,"* shall read:

Mink, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx. December 1 to March 31.

Marten. No open season.

Muskrat. April 10 to June 10.

Beaver. No open season.

Wolf, coyote, wolverine, polar bear, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Section 91.14 [Regulation 14] *Methods of taking land fur-bearing animals,* paragraph (c), is amended by striking out the words *"Beavers.* No trap shall be set within 25 feet of any beaver house or den," and substituting therefor *"No fur animal* shall be taken by means of a trap set within 25 feet of any beaver house or den or within 100 feet of a fox den." This section is further amended by deleting paragraph (e) in its entirety.

Section 91.18 [Regulation 18] is amended by striking out the last 3 paragraphs and inserting in lieu thereof the following:

§ 91.8 *Sealing, possession and sale of beaver and marten skins.*

* * * * *

(c) Skins of beavers and martens, unless sealed under this regulation or in accordance with this or previous regulations, shall not be possessed or transported by any person.

(d) No person is permitted to possess at any time in the Territory, unless sealed or tagged, numbers of skins of beavers in excess of the season limit prescribed in regulation 13.

Section 91.24 [Regulation 24], *Open season and limit on grouse, ptarmigan and pheasants,* is amended by striking out the figure "15" wherever it occurs and inserting in lieu thereof the figure "10".

Section 91.35 [Regulation 35], is amended to read as follows:

§ 91.35 *Certain nongame birds unprotected.* A resident of the Territory without a hunting and trapping license and a nonresident with a hunting license may take crows, hawks, owls, eagles, ravens, magpies, and cormorants and their nests and eggs at any time, in any number, and by any means except by the use of poison, and with the exception of eagles, such birds, when so taken, or parts thereof, articles manufactured therefrom, and the nests and eggs may, without further license and at any time, be bought, sold or transported within or out of the Territory: *Provided,* That bald eagles, or parts thereof, articles manufactured therefrom, and the nests and eggs may not be transported from the Territory to the United States or any other place subject to the jurisdiction thereof.

Section 91.37 [Regulation 5, Schedule A] is amended to read as follows:

§ 91.37 *Areas in which there is a continuous close season on all species, except for scientific or propagating purposes.* (a) Mount McKinley National Park.

(b) Katmai National Monument.

(c) Glacier Bay National Monument.

(d) Sitka National Monument.

(e) Any bird refuge or other wildlife refuge or reservation, except under permit or regulation of the Secretary of the Interior.

(f) Eyak Lake area, embracing the drainage area of Eyak Lake and Power Creek, north and east of Cordova, more particularly described as follows: Beginning on the north boundary line of the town of Cordova at a point where said boundary line is crossed by the divide between Eyak Lake and Power Creek and Orca Inlet and Orca Bay; thence in a general northeasterly direction along said divide to the intersection with parallel 60°40′ north; thence east along said parallel to the intersection with the divide between the watershed of Power Creek and Eyak Lake and the watershed of Ibek Creek; thence in a general southwesterly direction along said divide to the headwaters of Allen Creek; thence southwesterly along the course of Allen Creek to its confluence with Eyak Lake; thence southerly along the shore of Eyak Lake to the northerly side line of the C. R. & N. W. Railway right-of-way; thence in a general westerly direction along the northerly side line of said railway right-of-way to the intersection with the east boundary line of the town of Cordova; thence north along said east boundary line to the northeast corner of said town; thence west along the northern boundary line of said town to the point of beginning (containing approximately 22,000 acres).

(g) Ward Lake and Mendenhall Lake areas, Tongass National Forest, as posted and described by the United States Forest Service.

(h) Mitkof Island area, embracing the drainage area of Wrangell Narrows from Sandy Beach on the north side of Mitkof Island southward to Blind Point, more particularly described as follows: Beginning at meander corner between secs. 23 and 26 T. 60 S., R. 79 E., Copper River Meridian, located on Blind Point in Wrangell Narrows; thence easterly 88.13 chains to the southeast corner of sec. 24 of the same township; thence north along the township line 4 miles to the northeast corner of sec. 1 of the same township; thence northerly along the summit of the ridge bounding the drainage area tributary to Wrangell Narrows and Frederick Sound until the shore of Frederick Sound is reached at the witness corner meander corner between secs. 35 and 36 of T. 58 S., R. 79 E., Copper River Meridian, on the shore thereof; thence northwesterly along the shore of Frederick Sound to the entrance of Wrangell Narrows; thence southerly along the center of the steamboat channel of Wrangell Narrows to the place of beginning on Blind Point.

(i) Shoemaker Bay area, embracing the entire watershed of Pat Creek and that portion of Wrangell Island draining into Zimovia Strait from Pat Creek to Polk Point.

(j) Haines area, embracing the drainage of Klehini River from the British Columbia boundary to its confluence with Chilkat River.

(k) Salchaket Townsite, Salchaket Lake, sometimes known as Harding Lake, and the small lakes in sections 2 and 11, T. 5 S., R. 4 E., Fairbanks Meridian, as described and shown on U. S. Survey No. 1901.

(l) Strip 2 miles wide, situated as follows: Beginning at a point on the railroad 6 miles north of the Curry Hotel, thence east 1 mile, thence south 7 miles, thence west 2 miles, thence north 7 miles, thence east 1 mile to the place of beginning."

Section 91.38 [Regulation 6, Schedule B], is amended to read as follows:

§ 91.38 *Areas in which there are continuous close seasons on specified game animals, land fur-bearing animals, and game birds, except for scientific or propagating purposes*—(a) *Any game animal or game bird.* In Keystone Canyon, embracing an area one-half mile on each side of and paralleling the Richardson Highway from Milepost 13 (from Valdez) to Milepost 20 (from Valdez).

In the Big Delta area described as follows: Beginning at a point on the south bank of the Tanana River 1 mile east of the ferry at Big Delta post office, thence south parallel to the Richardson Highway to a point 1 mile east of and opposite Milepost 269 (from Valdez), thence westerly across and to a point on the west bank of the Big Delta River due west of aforesaid Milepost 269, thence north along the west bank of the Big Delta River to its junction with the south bank of the Tanana River, thence easterly along the south bank of the Tanana River to the place of beginning.

(b) *Any game animal.* Strip one-half mile wide on either side of all public highways within the Territory.

(c) *Any game animal or beaver.* Strip one-half mile wide on either side of the Alaska Railroad.

(d) *Deer.* In Yakutat Bay region between longitude 138° and 141°.

In the Kodiak-Afognak Islands group.

(e) *Moose.* In Yakutat Bay region between longitude 138° and 141°.

On the Alaska Peninsula south and west of Kvichak River, Iliamna Lake, and the old portage from Kamishak Bay to Kakhonak Bay.

All that part of Kenai Peninsula north of Kenai River and Kenai Lake to a point opposite where Russian River intersects Kenai River, and west of the western boundary of the Chugach National Forest to Thurman Creek, thence along the west bank of Thurman Creek and Chickaloon River to Turnagain Arm of Cook Inlet.

In the drainages of the Chilkoot and the Chilkat Rivers in southeastern Alaska.

(f) *Caribou.* Strip one mile wide on either side of Steese Highway between Faith Creek (Milepost 69.8) and Miller House (Milepost 116) including the Harrison Creek Spur leading southward from Miller House.

(g) *Mountain sheep and mountain goat.* In the eastern part of the Kenai

Peninsula east of the center line of the Alaska Railroad.

In the Girdwood area, beginning at the center of the bridge over California Creek on the Crow Creek road, at approximately latitude 60°58′ north and longitude 149°8′ west of Greenwich, as shown on the preliminary topographic map of the Girdwood District, Alaska, 1931, published by the Geological Survey, Department of the Interior; thence continuing in a straight line on a course bearing due east to the west bank of Glacier Creek; thence northeasterly following the west and north bank of said creek and its largest northern tributary to its head; thence along the west side of the glacier it drains to the summit of the divide between Glacier Creek and the drainage to the north at approximately latitude 61° 2′30″ north, longitude 149° west; thence westerly and northerly along said divide around the head of Raven Glacier to a point where said divide intersects the western margin of the most northern glacier in Raven Creek basin; thence following northeasterly and westerly along the western and southern margin of Eagle Glacier to its termination; thence westerly in a straight line to the junction of Camp and Raven Creeks; thence southwesterly along the south bank of Camp Creek to its head, at the divide between Camp Creek and the North Fork Ship Creek; thence northwesterly down the valley of the North Fork Ship Creek to a small lake in this valley; thence westerly along the south shore of said lake and continuing westerly along the south bank of North Fork Ship Creek to the junction of said creek with its first large tributary from the south, entering it about 1 mile east of Bird Creek Pass; thence southerly along the west bank of said tributary and its most westerly branch to the divide between North Fork Ship Creek and Bird Creek; thence southwesterly in a straight line to the junction of Bird Creek with its first large tributary from the head entering it from the south; thence southeasterly along the northern and eastern side of the stream bed of said tributary to the summit of the divide between the said tributary and the drainage of California Creek; thence southerly along the divide between California Creek and Bird Creek to a summit marked 4322 on the said preliminary topographic map of Girdwood District, Alaska, said point being in approximately latitude 60°59′ north, longitude 149°11′15″ west; thence southeasterly in a straight line to the point of beginning (containing approximately 77 square miles).

(h) *Mountain goat.* On Baranof and Chichagof Islands.

(i) *Large brown or grizzly bear.* In the following areas on Admiralty Island:

Thayer Mountain. Beginning at the foot of the waterfall at the mouth of Hasselborg River on Salt Lake, head of Mitchell Bay; thence along the easterly bank of the Hasselborg River to the outlet of Hasselborg Lake; thence along the west shore of said lake to the outlet of the creek flowing into the head of the lake; thence upstream along the east bank of said creek to the trail crossing; thence in a southwesterly direction along the trail to the head of Thayer Lake; thence along the easterly shore of said lake to the extreme southern end of the lake; thence southeasterly approximately 2 miles in a straight line to the west end of Salt Lake at the head of Mitchell Bay; thence along to the line of mean high tide of Salt Lake to the foot of the waterfall on Hasselborg River, the place of beginning (containing approximately 60 square miles); and

Pack Creek. The entire watershed of Pack Creek, which empties into Seymour Canal near the north side of the entrance to Windfall Harbor (containing approximately 21 square miles).

(j) *Black bear.* In the drainage of Anan Creek.

In the Loring area, strip one-half mile wide on either side of the blazed trail leading from the outlet of Roosevelt Lagoon in Naha Bay to the Naha River outlet of Heckman Lake.

(k) *Buffalo (bison), musk ox, and elk.* In any part of Alaska.

(l) *Beaver.* On Admiralty, Baranof, and Chichagof Islands.

In the drainage to the Mendenhall Valley east of the main Glacier Highway.

(In Fairbanks area, beginning at a point on the east bank of the Tanana River at the entrance of Pile Driver Slough; thence along the east bank of Pile Driver Slough to a point 4 miles south of Moose Creek; thence east along the divide between Moose Creek and French Creek, around the head of Moose Creek and including all the drainage thereto; thence northwesterly along the divide between Moose Creek and Chena River; thence across the flats of Chena River to a point marked on Big Chena Bluffs; thence down the north bank of Chena River to its confluence with Tanana River; thence south along the east bank of Tanana River to the place of beginning.

On the Kodiak-Afognak Islands group.

(m) *Raccoon.* In any part of Alaska.

In testimony whereof, I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the city of Washington, this sixth day of June 1941.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-4283; Filed, June 16, 1941; 10:31 a. m.]

PART 208—KODIAK AREA FISHERIES

AMENDMENTS TO REGULATIONS

Effective only through December 31, 1941, § 208.21 is hereby amended to read as follows:

§ 208.21 *Minimum distance between traps; exception.* The distance by most direct water measurement from any part of one trap to any part of another trap, except in those waters of Alitak Bay in which the runs are tributary to streams where counting weirs are maintained, shall not be less than 1 statute mile. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221).

Effective only through December 31, 1941, § 208.22[1] (o) is hereby amended to read as follows:

§ 208.22 *Areas open to salmon traps.*

* * * * *

(o) Kodiak Island: Coast along the west side of Alitak Bay (1) within 800 feet of a point at 56 degrees 57 minutes 55 seconds north latitude, 154 degrees 5 minutes 28 seconds west longitude, and (2) within 800 feet of a point near Bun Point at 56 degrees 58 minutes 3 seconds north latitude, 154 degrees 6 minutes 15 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221).

* * * * *

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 6, 1941.

[F. R. Doc. 41-4244; Filed, June 14, 1941; 9:44 a. m.]

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

The effective date of § 211.12, as published in the FEDERAL REGISTER of March 4, 1941, is hereby suspended until January 1, 1942. During the period of this suspension for the balance of the calendar year 1941, the following wording shall be substituted for § 211.12:

§ 211.12 *Areas open to salmon traps.*[2] The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Knight Island: From a point on the southeast coast at 60 degrees 9 minutes 50 seconds north latitude, 147 degrees 45 minutes 40 seconds west longitude southerly to Point Helen.

(b) Bainbridge Island: Within 2,500 feet of a point at 60 degrees 11 minutes 32 seconds north latitude, 148 degrees 3 minutes west longitude.

(c) Chenega Island: Eastern coast (1) from a point 1 statute mile eastward of Chenega Village to a point at 60 degrees 18 minutes north latitude, 148 degrees 1 minute 30 seconds west longitude, and (2) within 2,500 feet of a point at 60 degrees 21 minutes 52 seconds north latitude, 147 degrees 59 minutes 35 seconds west longitude.

(d) Mainland coast within 2,500 feet westerly of a point at 60 degrees 24 minutes 48 seconds north latitude, 147 degrees 58 minutes 18 seconds west longitude.

(e) Western side of Valdez Arm (1) within 2,500 feet of a point at 60 degrees 55 minutes 40 seconds north latitude, 146 degrees 58 minutes 35 seconds west longitude, and (2) from 60 degrees 58 minutes north latitude to 60 degrees 59 minutes north latitude.

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[1] 6 F.R. 1242.
[2] 6 F.R. 1246.

(f) Southwest coast of Bligh Island within 2,500 feet of a point at 60 degrees 48 minutes 56 seconds north latitude, 146 degrees 49 minutes 23 seconds west longitude.

(g) Within ½ statute mile of the southwestern extremity of Bidarka Point.

(h) Within ½ statute mile of Porcupine Point.

(i) Mainland coast, near Knowles Head, within 2,500 feet of a point at 60 degrees 41 minutes 17 seconds north latitude, 146 degrees 40 minutes west longitude.

(j) Hinchinbrook Island: Within 2,500 feet, measured along the coast, from a point at 60 degrees 28 minutes 54 seconds north latitude, 146 degrees 32 minutes 11 seconds west longitude.

(k) Hinchinbrook Island: Within 5,000 feet northerly from a point on the coast at 60 degrees 27 minutes north latitude, 146 degrees 39 minutes 48 seconds west longitude.

(l) Montague Island: Along the coast from a point on the south side of Macleod Harbor at 59 degrees 52 minutes 10 seconds north latitude, 147 degrees 51 minutes west longitude, to a point at 59 degrees 52 minutes north latitude, 147 degrees 52 minutes west longitude.

(m) Montague Island: Within 5,000 feet southerly from a point on the coast south of Hanning Bay at 59 degrees 56 minutes 45 seconds north latitude, 147 degrees 45 minutes 15 seconds west longitude.

(n) Montague Island: Western coast within 5,000 feet northerly of a point at 60 degrees 7 minutes 16 seconds north latitude (Sec. 1, 44 Stat. 752; 48 U.S.C. 221).

PART 222—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

The effective date of § 222.16, as published in the FEDERAL REGISTER of March 4, 1941, is hereby suspended until January 1, 1942. During the period of this suspension for the balance of the calendar year 1941, the following wording shall be substituted for § 222.16:

§ 222.16 *Areas open to salmon traps.*[1] The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Mainland: Within 2,500 feet of Point Dundas.

(b) Inian Islands: Along the coast (1) within 2,500 feet of a point at 58 degrees 16 minutes 18 seconds north latitude, 136 degrees 20 minutes 27 seconds west longitude, and (2) within 2,500 feet of a point on the northwestern island at 58 degrees 15 minutes 34 seconds north latitude, 136 degrees 23 minutes 35 seconds west longitude.

(c) Island west of Three Hill Island, Cross Sound: Shore of island west of Three Hill Island located at 58 degrees 10 minutes 11 seconds north latitude, 136 degrees 24 minutes 33 seconds west longitude.

[1] 6 F.R. 1252.

(d) Chichagof Island: Along the coast of the north side of Chichagof Island within 2,500 feet of a point at 58 degrees 13 minutes 12 seconds north latitude, 136 degrees 9 minutes 38 seconds west longitude.

(e) Chichagof Island: North coast within 5,000 feet southwesterly of a point west of Point Adolphus at 58 degrees 16 minutes 38 seconds north latitude.

(f) Lemesurier Island: Northwestern coast within 2,500 feet of a point at 58 degrees 17 minutes 30 seconds north latitude, 136 degrees 8 minutes west longitude.

(g) Mainland: Within 2,500 feet of a point near Point Gustavus at 135 degrees 53 minutes 42 seconds west longitude.

(h) Pleasant Island: Southern coast from the western extremity of the island easterly to 135 degrees 39 minutes 51 seconds west longitude.

(i) Porpoise Islands: West coast of southernmost island within 2,500 feet of a point at 58 degrees 19 minutes 8 seconds north latitude, 135 degrees 27 minutes 22 seconds west longitude.

(j) Mainland: Along the coast on the east side of Excursion Inlet (1) from 135 degrees 20 minutes west longitude to 135 degrees 16 minutes 30 seconds west longitude, and (2) from 135 degrees 12 minutes 45 seconds west longitude to 135 degrees 8 minutes 31 seconds west longitude.

(k) Chichagof Island: Northeast coast (1) within 2,500 feet of a point at 58 degrees 7 minutes 1 second north latitude, 135 degrees 19 minutes 14 seconds west longitude, and (2) within 2,500 feet of a point at 58 degrees 5 minutes 36 seconds north latitude, 135 degrees 13 minutes 23 seconds west longitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221).

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

The effective date of § 223.19, as published in the FEDERAL REGISTER of March 4, 1941, is hereby suspended until January 1, 1942. During the period of this suspension for the balance of the calendar year 1941, the following wording shall be substituted for § 223.19:

§ 223.19 *Areas open to salmon traps.*[1] The use of any trap for the capture of salmon is prohibited, except as follows:

(a) Baranof Island: Northwest coast beginning at a point 1,000 yards southward of Point Kakul and exending southward ½ mile.

(b) Chichagof Island: East coast (1) within 2,500 feet of a point at 57 degrees 59 minutes 11 seconds north latitude, 134 degrees 54 minutes 34 seconds west longitude, (2) within 2,500 feet of a point at 57 degrees 56 minutes 56 seconds north latitude, 134 degrees 55 minutes 7 seconds west longitude, and (3) within 2,500 feet of a point at 57 degrees 52 minutes 7 seconds north latitude, 134 degrees 57 minutes 51 seconds west longitude.

[1] 6 F.R. 1253.

(c) Chichagof Island: East coast (1) from 57 degrees 48 minutes 52 seconds north latitude to 57 degrees 48 minutes 25 seconds north latitude, and (2) within 2,500 feet of a point at 57 degrees 44 minutes 18 seconds north latitude, 134 degrees 55 minutes 4 seconds west longitude.

(d) Baranof Island: East coast from a point ½ statute mile south of Point Thatcher to a point at 57 degrees 23 minutes 37 seconds north latitude.

(e) Baranof Island: East coast from a point ½ statute mile southeasterly of South Point to the north side of the entrance to Cosmos Cove.

(f) Baranof Island: East coast within 2,500 feet of a point at 57 degrees 11 minutes 3 seconds north latitude, 134 degrees 48 minutes 43 seconds west longitude.

(g) Mansfield Peninsula: West coast within 2,500 feet of a point at 58 degrees 16 minutes 2 seconds north latitude.

(h) Mansfield Peninsula: West coast (1) from 58 degrees 11 minutes 50 seconds north latitude to 58 degrees 10 minutes 45 seconds north latitude, (2) from 58 degrees 9 minutes 37 seconds north latitude to 58 degrees 7 minutes 40 seconds north latitude, and (3) within 2,500 feet of a point at 58 degrees 6 minutes 11 seconds north latitude, 134 degrees 48 minutes west longitude.

(i) Admiralty Island: West coast within 2,500 feet of a point at 57 degrees 41 minutes 6 seconds north latitude, 134 degrees 42 minutes 2 second west longitude, (2) within 2,500 feet of a point at 57 degrees 43 minutes 23 seconds north latitude, 134 degrees 43 minutes 51 seconds west longitude, (3) from 57 degrees 50 minutes 2 seconds north latitude to 57 degrees 51 minutes 7 seconds west longitude, and (4) from 57 degrees 58 minutes north latitude to 58 degrees 1 minute north latitude.

(j) Admiralty Island: West coast from 57 degrees 22 minutes 7 seconds north latitude to Distant Point.

(k) Admiralty Island: West coast (1) from a point north of Wilson Cove at 57 degrees 10 minutes 37 seconds north latitude to 57 degrees 10 minutes 47 seconds north latitude, (2) from 57 degrees 12 minutes 37 seconds north latitude to 57 degrees 13 minutes 7 seconds north latitude, and (3) within 1,000 feet of a point at 57 degrees 13 minutes 57 seconds north latitude. (Sec. 1, 44 Stat. 752; 48 U.S.C. 2211)

The regulations contained in this document shall become effective on the date of their publication in the FEDERAL REGISTER, and shall remain in effect until January 1, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 10, 1941.

[F. R. Doc. 41-4282; Filed, June 16, 1941; 10:30 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-398-qm-9388; O. I. #2633]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FARGO MOTOR CORPORATION

Contract for: Trucks, * * *, with various bodies.

Amount; $10,701,930.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 4th day of February 1941.

Scope of this contract. The contractor shall furnish and deliver motor vehicles for the consideration stated ten million, seven hundred and one thousand, nine hundred and thirty dollars ($10,701,-930.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated Damages shall be assessed against the contractor in the amount of * * * per vehicle for each calendar day of delay in making delivery.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to Procurement Authorities:

QM 1801 P37-3053 A0525.003-01.
ORD 8558 P2-3053 A0141-01.
ORD 8557 P3-1285 A1005-01.
ORD 8557 P11-1285 A1005-01.
ORD 22 P97-1380 A1005-01.
ORD 8367 P2-3053 A0141-01.
SC 1700 P6-3059 A0605-01.
SC 1826 P6-3059 A0605-01.
SC 1870 P6-3059 A0605-01.
SC 1896 P13-1381 A0605-01.
SC 1569 P5-3053 A0605-01.
SC 1713 P5-3053 A0605-01.
AC 11 P71-1381 A0705-01.

the available balances of which are sufficient to cover cost of same.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-4238; Filed, June 13, 1941; 3:46 p. m.]

[Contract No. W 669 qm-11541; O. I. No. 6831]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NEW JERSEY WORSTED MILLS

Contract for: Textiles.

Amount: $2,909,785.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of April 1941.

Scope of this contract. The contractor shall furnish and deliver Textiles for the consideration stated totaling two million, nine hundred nine thousand, seven hundred eighty-five dollars ($2,909,785.00) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: furnished, amount, $581,957.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-0240 A 0515-01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives No. P-C-227, P-C-228, P-C-229, P-C-230, P-C-233, P-C-234.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-4239; Filed, June 13, 1941; 3:46 p. m.]

[Contract No. W 535 ac-19042; 4840]

SUMMARY OF CONTRACT [1] FOR SUPPLIES

CONTRACTOR: VULTEE AIRCRAFT, INC.

Contract for: * * * Airplanes, Spare Parts, and Data.

Amount: $32,912,990.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities listed below, the available balances of which are sufficient to cover cost of same.

AC 298 P 12-30 A 0705.260-12.
AC 298 P 82-30 A 0705.260-12.

This contract, entered into this 5th day of May 1941.

Scope of this contract. The contractor shall furnish and deliver * * * airplanes, spare parts and data for the consideration stated not to exceed thirty two million nine hundred twelve thousand nine hundred ninety dollars ($32,-912,990.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written

[1] Approved by the Under Secretary of War, May 15, 1941.

notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Articles and supplies called for and prices therefor. The Contractor shall furnish and deliver to the Government all the following articles, to wit:

Item 1. * * * airplanes, total $29,920,900.00.

Item 2. Certain spare parts for all of the airplanes called for under the terms of this Article at a total price not exceeding, $2,992,090.00.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Options. The Government is granted the right and option at any time within * * * days from and after the date of approval of this contract to increase the total number of airplanes called for under Item 1 of Article 16 hereof by a quantity of * * * at a price of * * * for each additional airplane.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-4236; Filed, June 13, 1941; 3:46 p. m.]

[Contract No. W 7088 qm-1; O. I. No. 1-41]

SUMMARY OF FIXED-FEE CONTRACT[1] FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: WM. HENLEY DEITRICK, AND WM. C. OLSEN, 115 W.

Address: Morgan St., and 406 Building & Loan Bldg., respectively, Raleigh, N. C.

Amount fixed fee: $30,555.

Estimated cost of construction project: $2,727,273.

Type of construction project: Quartermaster Depot.

Location: Charlotte, North Carolina.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8828 PL29-77 A 0540-12 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 10th day of May 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a Quartermaster Depot, including necessary buildings, temporary structures, utilities and appurtenances thereto, at Charlotte, North Carolina.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications, and applicable Government standards, designs, drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following: A fixed fee in the amount of thirty thousand five hundred fifty-five dollars ($30,555) which shall constitute complete compensation for the Architect-Engineer's services.

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract.

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed fee earned.

[1] Approved by the Under Secretary of War May 19, 1941.

Drawings and other data to become property of Government. All drawings, designs and specifications are to become the property of the Government on completion of payments.

Changes in scope of project. The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 611—76th Congress, Approved June 13, 1940.

Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-4240; Filed June 13, 1941; 3:47 p. m.]

[Contract No. W 535 ac-18667; 4711]

SUMMARY OF CONTRACT[1] FOR SUPPLIES

CONTRACTOR: WRIGHT AERONAUTICAL CORPORATION

Contract for: * * * Aeronautical Engines, Spare Parts Therefor & Data (For the U. S. Army Air Corps & the U. S. Navy).

Amount: $1,112,190.69.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 28 P 82-3037 A 0705-01.

AC 34 P 12-3037 A 0705-01.

This contract, entered into this 21st day of April 1941.

Scope of this contract. The contractor shall furnish and deliver * * * aeronautical engines, spare parts therefor and data for the consideration stated one million one hundred twelve thousand one hundred ninety dollars and sixty nine cents ($1,112,190.69) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make

[1] Approved by the Under Secretary of War May 21, 1941.

changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Price adjustment. The contract prices stated in this contract for engines and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the engines and spare parts.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

This contract authorized under the provisions of Par. 4g (1) A. R. 5–240 & sec. 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–4237; Filed, June 13, 1941; 3:46 p. m.]

[Contract No. W 7088 qm–2; O. I. No. 2–41]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT [1]

CONTRACTOR: WM. MUIRHEAD CONSTRUCTION CO., INC., EAST TRINITY AVENUE, (P. O. BOX 2012) DURHAM, NORTH CAROLINA

Fixed-Fee: $112,830.00.

Contract for: Construction of a Quartermaster Depot, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Place: Charlotte, North Carolina.

Estimated cost of Project: $2,614,443.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

QM 18009 CBU&A A0540–12.

QM 18250 CBU&A A0540–N.

This contract, entered into this 12th day of May, 1941.

Statement of work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilties, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Quartermaster Depot, including necessary buildings, temporary structures, utilities and appurtenances thereto.

It is estimated that the total cost of the construction work covered by this contract will be approximately two million six hundred fourteen thousand four hundred forty-three and no/100 dollars ($2,614,443.00), exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of one hundred twelve thousand eight hundred thirty and no/100 dollars ($112,830.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

Rental for Contractor's equipment. Rental shall be paid to the Contractor for such construction plant or parts thereof as he may own and furnish, at not to exceed the rates approved by the Contracting Officer.

Payments—Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee, less any sum that may be necessary to settle any unsettled claims for labor or material, or any claim the

[1] Approved by the Under Secretary of War June 2, 1941.

Government may have against the Contractor. The Contracting Officer shall accept the completed work with reasonable promptness.

Special requirements. The Contractor hereby agrees that he will: Procure and thereafter maintain such bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may approve or require.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following law: Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-4241; Filed, June 13, 1941; 3:47 p. m.]

[Contract No. W 398-qm-CIV 23; O. I. #3]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FORD MOTOR COMPANY

Contract for Trucks: * * *, with Cargo Bodies.

Amount: $1,506,973.22.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 24th day of March 1941.

Scope of this contract. The contractor shall furnish and deliver * * * trucks with Cargo bodies for the consideration stated one million, five hundred and six thousand, nine hundred seventy-three dollars and twenty-two cents ($1,506,973.22) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damages to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated Damages will be assessed against the contractor in the amount of * * * per vehicle for each calendar day of delay in making delivery.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Discount will be allowed for prompt payment as follows:

30 Calendar days $ * * * per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority 1CC 55-301 P 1-3053 A 0600.130-1 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-4279; Filed, June 16, 1941; 10:29 a. m.]

[Contract No. W 535 ac-3]

SUMMARY OF CONTRACT [1] FOR SUPPLIES

CONTRACTOR: CURTISS-WRIGHT CORPORATION, AIRPLANE DIVISION, BUFFALO PLANTS

Contract for * * * Airplanes, Spare Parts Therefor and Data.

Amount: $20,444,414.16.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authority, the available balance of which is sufficient to cover cost of same: AC 299 P 2-30 A 0021-13.

This contract, entered into this 25th day of April 1941.

Scope of this contract. The contractor shall furnish and deliver * * * airplanes, spare parts and data, for the consideration stated twenty million four hundred forty four thousand four hundred fourteen dollars sixteen cents ($20,444,414.16), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

It is understood and agreed that certain plant facilities in addition to those now available to the Contractor will be required by the Contractor to enable him to comply with the terms of this contract. The delivery schedule set forth for airplanes is conditioned upon such additional facilities being available to the contractor for complete operation and use not later than * * *. In the event such facilities are not so ready, the delivery schedule hereinbefore set forth, shall be set back by periods corresponding to the delay in the availability of facilities.

Options. The Government is granted the right and option at any time within * * * days after date of approval of this contract to increase the quantity of airplanes called for under the terms of Article 16 hereof by a quantity of * * *.

Special conditions reference facilities and improvements. Nothing in this contract shall be construed as in any way impairing the right of the Contractor to a mutually satisfactory arrangement for emergency plant facilities, including nec-

[1] Approved by the Under Secretary of War, May 12, 1941.

essary expenditures for "off-lease-hold" improvements.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of airplanes and spare parts.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-4280; Filed, June 16, 1941; 10:29 a. m.]

NAVY DEPARTMENT.

[NOy-4349 Supplemental Agreement No. 1]

SUMMARY OF SUPPLEMENTAL AGREEMENT FOR EXISTING CONTRACT

CONTRACTOR: M'LEAN CONTRACTING CO., 1301 FIDELITY BUILDING, BALTIMORE, MARYLAND

On May 22, 1941, the Navy Department entered into an Agreement, supplemental to Contract NOy-4349, with the McLean Contracting Company of Baltimore, Maryland, for the construction of the additional facilities at the Naval Operating Base and Naval Training Station, Norfolk, Virginia, and the Naval Fuel Depot Annex, Craney Island, at an estimated cost of $2,781,100 including a fixed fee of $88,000 payable to the Contractor.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

B. MOREELL,
Chief of Bureau.

[F. R. Doc. 41-4242; Filed, June 14, 1941; 9:43 a. m.]

[NOy-4676 Supplemental Agreement No. 1]

SUMMARY OF SUPPLEMENTAL AGREEMENT FOR EXISTING CONTRACT

CONTRACTOR: WIGTON-ABBOTT CORPORATION AND MAHONY-TROAST CONSTRUCTION COMPANY, 1225 SOUTH AVENUE, PLAINFIELD, NEW JERSEY

On May 23, 1941, the Navy Department entered into an Agreement, supplemental to Contract NOy-4676 with Wigton-Abbott Corporation and Mahony-Troast Construction Company, 1225 South Avenue, Plainfield, New Jersey, for the construction of additional facilities at the Naval Supply Depot, Bayonne, New Jersey, at an estimated cost of $5,723,000, including a fixed fee of $169,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

B. MOREELL,
Chief of Bureau.

[F. R. Doc. 41-4243; Filed, June 14, 1941; 9:43 a. m.]

[NOy-4809]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: MYERS BROS. AND J. E. HADDOCK, LTD., 3407 SAN FERNANDO ROAD, LOS ANGELES, CALIFORNIA

MAY 27, 1941.

On May 26, 1941, the Navy Department entered into a contract NOy-4809 with Myers Bros., and J. E. Haddock, Ltd., Los Angeles, California, for the construction of a Naval Ammunition Depot, Fallbrook, California, at an estimated cost of $1,800,000 including a fixed fee of $75,000 payable to the Contractors.

The contract, among other things, further provides that the Navy Department may at any time make changes in approved drawings and/or specifications and, if such changes or additions to or omissions from the original project cause a material increase or decrease in the amount or character of the work to be done under the contract, or in the time required for its performance, an equitable adjustment in the amount of the fixed fee to be paid to the Contractors shall be made and the contract shall be modified accordingly. The contract also contains provisions for the termination of the contract by the Government and for an equitable settlement with the Contractors under the contract in the case of such termination.

B. MOREELL,
Chief of Bureau.

[F. R. Doc. 41-4278; Filed, June 16, 1941; 10:29 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-137, A-208, and A-251; A-409, A-512, and A-513; A-582 and A-609; A-662]

PETITIONS OF DISTRICT BOARD 14 AND CERTAIN DISTRICT NO. 14 PRODUCERS FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED AND FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

District Board 14 filed original petitions in the above-entitled matters with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, for the establishment of price classifications and minimum prices for the coals of certain mines not heretofore classified and priced and for the revision of the effective price classifications and minimum prices for the coals of the mines of the following producers in District 14:

1. Chas. Martin (Chas. Martin Coal Company);
2. Coaldale Smokeless Coal Company, Sugar Creek Coal Company, and Hiawatha Coal Company;
3. Harper & Thornton Coal Company;
4. Quality Coal Company, Poteau Matchless Coal Company, and McAlpine-Poteau Coal Company;
5. Big Four Coal Company;
6. Nesch Coal Company;
7. Porter Excelsior Coal Company;
8. Henderson Coal Company;
9. Solid Shot Mines in Production Groups 2 to 9, inclusive, in Size Group 3 (Safeway Coal Company et al. in Docket

No. A–137; Ideal Coal Company et al. in Docket No. A–251; Wilson Coal Company et al. in Docket No. A–409; A–512, and A–513; Briggs and Dake Coal Company et al. in Docket Nos. A–582 and A–609; and Paris Purity Coal Company in Docket No. A–662); and

10. District 14 producers in Production Group 2 to 9, inclusive, in Size Group 12.

The petitions allege with respect to such establishment that such price classifications and minimum prices are necessary to preserve proper differentials between the coals of District 14 producers; and request temporary relief pending final disposition of the matters therein.

Although these petitions also relate to matters other than those disposed of herein, the Director is of the opinion that the establishment of the price classifications and minimum prices for the coals of certain mines not heretofore classified and priced, and the revision of the effective minimum prices for the coals of certain producers may be disposed of without prejudice to the persons interested in such other matters. Accordingly, this Memorandum Opinion and Order is limited to the establishment of price classifications and minimum prices for the coals of certain mines not heretofore classified and priced and to the proposed revision in the price classifications and minimum prices established for the coals of the above-named producers, and is applicable to each of the above-named dockets, since they involve identical or closely related issues.

In compliance with the requests for temporary relief in Docket Nos. A–137, A–208, A–251, and A–409, and pursuant to the Rules and Regulations Governing Practice and Procedure in 4 II (d) proceedings, an informal conference was held upon notice to interested parties from December 12 to 14, 1940, in Fort Smith, Arkansas. The petitioner and Consumers' Counsel Division were represented and were afforded full opportunity to express their views regarding the temporary relief requested.

1. *Chas. Martin (Chas. Martin Coal Company)*

The petitioner proposed that for the coals of Chas. Martin in Size Group 3 Price Classification "C" be changed to "D". It was represented that this producer is now producing coal from weathered pillar stubs remaining in the mine, that oxidation has, therefore, occurred in such coal, and such coal in Size Group 3 is inferior to that formerly produced in this mine; accordingly, that such coal has a lower market value than other coals in Size Group 3 in Price Classification "C", and that the minimum price therefor should be reduced 15 cents per net ton. It appears that no protest has been filed regarding this proposed revision and that, upon the basis of the above-mentioned representations, price for this coal in this Size Group is proper.

Since the coals of this producer are only classified for truck shipments, the petitioner's proposal will be treated as one to revise the minimum price established for the coals of this producer for such shipments. Accordingly, this reduction will be applicable to the minimum prices established for such shipments of the coals in question.

2. *Coaldale Smokeless Coal Company, Sugar Creek Coal Company, and Hiawatha Coal Company*

The petitioner proposed that for the coals of Coaldale Smokeless Coal Company and Sugar Creek Coal Company in Size Group 3 Price Classification "C" be changed to "D" and for the coals of Hiawatha Coal Company in Size Group 3, Price Classification "E" be changed to "D". It was represented that after the proposal by District Board 14 of minimum prices in General Docket No. 15 for the coals of these mines, an investigation by the petitioner disclosed that the Size Group 3 coals of these three producers are identical; that the petitioner, therefore, proposed that in Size Group 3 the coals be similarly priced; and that Price Classification "D" represented the relative market value of the coals of these three producers in Size Group 3. It appears that no protest has been filed regarding this proposed revision, and that, upon the basis of the above-mentioned representations, such coals should be classified "D".

3. *Harper & Thornton Coal Company*

The petitioner proposed certain increases for the coals of this producer in Size Groups 4, 6, 7, and 8. At the informal conference the petitioner requested that such increase should not become effective until a similar increase was proposed for the comparably-sized coals of Excelsior Thin Vein Coal Company, and represented that such increase for the latter company would shortly be proposed by the petitioner. No such proposal has been filed by the petitioner. In view of the petitioner's request at the informal conference, it appears that the Director should not take action regarding proposed increase for the coals of Harper & Thornton Coal Company. Since the petitioner has been afforded ample opportunity to propose such an increase for Excelsior Thin Vein Coal Company, it appears that the petitioner may no longer desire to propose such revision for Harper & Thornton Coal Company, and that, upon notice to the interested parties, it would be proper to dismiss the petition in Docket No. A–137 in so far as it relates to this producer.

4. *Quality Coal Company, Mine Index No. 87, Poteau Matchless Coal Company, and McAlpine-Poteau Coal Company*

The petitioner proposed that for the coals of these producers in Size Group 4 Price Classification "F" be changed to "I", Size Groups 6, 7 and 8 Price Classification "G" be changed to "J", and that for the coals of Quality Coal Company and Poteau Matchless Coal Company Price Classification "A" in Size Group 5 be deleted. With respect thereto it was represented that these producers are located in either the northern or southern part of the Poteau field, that owing to the presence of iron pyrite impurities, a sulphur and iron formation, in the coals in the northern and southern portions of the Poteau field, such coals have not had and do not have the same consumer acceptance as coals from the central part of the Poteau field, and are inferior to the other coals in the Poteau field; and that a reduction of 15 cents per net ton in the above-mentioned size groups of these producers will reflect the relative market value of such coals. It appears that no protest has been filed regarding this proposed revision, and that, upon the basis of the above-mentioned representations, a 15-cent reduction in the minimum prices for these coals is proper.

Since no price classification has been established for the Size Group 5 coals of Quality Coal Company, Mine Index No. 87, the requested deletion is unnecessary as to this producer. No representations were made regarding such a deletion for the coals of Poteau Matchless Coal Company. It does not appear, therefore, that there should be such a deletion. Since the coals of McAlpine-Poteau Coal Company have not been classified and priced, the proposal of the petitioner for the coals of this producer will be treated as the proposal of price classifications and minimum prices for coals not heretofore classified and priced.

5. *Big Four Coal Company*

The petitioner proposed that for the coals of this producer in Size Groups 1 and 2 Price Classification "A" be deleted and in Size Group 3 Price Classification "B" be established, and in Size Groups 6 and 10 a minimum price of 375 cents per net ton be established. It was represented that after the proposal in General Docket No. 15 by District Board 14 of minimum prices for the coals of this producer, subsequent investigation by this Board disclosed that such coals differ from those of other Spadra field producers, that in the mine of this producer there is both a soft and a hard seam of coal, that the hard seam coals are filled with sulphur, making them less desirable than other Spadra hard seam coals, and that the minimum prices for the coals of this producer in Size Group 3 should, therefore, be 25 cents per net ton less than the prices heretofore established for its coals in Size Group 2. It was brought to the petitioner's attention that Price Schedule No. 1 for District No. 14 for All Shipments Except Truck contains Price Classification "N" in Size Group 6 with a minimum price of 385 cents per net ton, and in Size Group 10 Price Classi-

fications "F" and "G" with minimum prices of 380 and 370 cents per net ton, respectively, but contains no Price Classifications with a minimum price of 375 cents per net ton in Size Groups 6 and 10. It was then represented that in Size Group 10 a minimum price of 370 cents per net ton would more substantially approximate the relative market value of such coal than 380 cents per net ton, and as to the Size Group 6 coals of this producer that a new Price Classification should be established. It appears that no protests have been filed regarding this proposed revision, and that, upon the basis of the above-mentioned representations, the proposed revision should be made.

6. *Nesch Coal Company*

The petitioner proposed that this producer be permitted to reduce the minimum prices for its coals 15 cents per net ton when producing shelly or stained coal: *Provided,* That to be permitted such reduction, District Board 14 must be notified and inspect such coal to ascertain its quality. With respect thereto it was represented that this is a strip mine operation, that shelly coal is friable and discolored; that the market value of such coal is less than the coal regularly produced at this strip mine operation; that when this company is producing shelly coal the minimum price therefor should be reduced by 15 cents per net ton; and that such coal cannot be sold at the established minimum prices for the coal regularly produced at this mine. It appears that no protests have been filed regarding this proposed revision, and that, upon the basis of the above-mentioned representations, such reduction should be made.

7. *Porter Excelsior Coal Company*

The petitioner proposed that for the coals of this producer in Size Group 11 Price Classification "H" be inserted. It was represented that, although the coals of this producer in other size groups had been classified and priced, such coals in Size Group 11 had not been heretofore classified and priced, and that Price Classification "H" is in accordance with the price classifications and minimum prices established for comparable and analogous coals. Upon the basis of the above-mentioned representations, it appears that there is no objection to the petitioner's proposal for the coals of this producer in Size Group 11.

8. *Henderson Coal Company*

The petitioner proposed that for the coals of this producer in Size Group 3 Price Classification "D" be inserted. With respect thereto it was represented that the coals of Henderson Coal Company have already been classified for its coals produced by the machine-cutting method of mining; that this producer also produces coals in Size Group 3 by the solid shot method of mining; and that the proposed price for such coals is in conformity with that for comparable and analogous coals. Upon the basis of the above-mentioned representations, it appears that there is no objection to the petitioner's proposal for the coals of this producer in Size Group 3.

9. *Solid Shot Mines in Production Groups 2 to 9, inclusive, in Size Group 3 (Safeway Coal Company et al. in Docket No. A–137; Ideal Coal Company et al. in Docket No. A–251; Wilson Coal Company et al in Docket Nos. A–409, A–512, and A–513; Briggs and Dake Coal Company et al. in Docket Nos. A–582 and A–609; and Paris Purity Coal Company in Docket No. A–662)*

The Petitioner proposed that for the coals of Safeway Coal Company, Henderson Coal Company, and Panama Vein Coal Company, which are produced by the solid shot method of mining, in Production Group 7 in Size Group 3 with a bottom size larger than 2½ inches, a minimum price be established 25 cents per net ton higher than the minimum price established for such coals of these producers with a bottom size not larger than 2½ inches and for similarly produced sizes of coals of 112 named producers in Production Groups 2 to 9, inclusive, a minimum price be established 15 cents per net ton higher than the minimum price for such coals of these producers with a bottom size not larger than 2½ inches.

It was represented that the Schedules of Effective Minimum Prices for District No. 14 do not permit District No. 14 producers, using round-hole shaker screens, to load coal in Size Group 3 with a bottom size larger than 2½ inches; that many of the mines in Production Groups 2 to 9, inclusive, producing coal by the solid shot method of mining and using round-hole shaker screens are able to load coal in Size Group 3 with a larger than 2½ inch bottom size; and that the coals of the three named producers with a bottom size larger than 2½ inches, owing to their superiority to similarly sized coals of the 112 named producers in Production Groups 2 to 9, inclusive, should be priced 10 cents higher than such coals of the 112 producers. It appears from the petitions in Docket Nos. A–609 and A–662, which were subsequently filed, and which propose prices for coals not heretofore classified and priced, a similar minimum price was proposed for such coals in Size Group 3 in Production Groups 2 to 9, inclusive, in order to preserve equal competitive opportunities for all such coals. Upon the basis of the above-mentioned representations, it appears that the proposed revision should be made.

10. *District 14 Producers' Mines, in Production Groups 2 to 9, Inclusive, in Size Group 12*

The petitioner proposed that for District 14 producers a minimum price of 300 cents per net ton be inserted in Size Group 12, for all mines in Production Groups 2 to 9, inclusive. With respect thereto it was represented that minimum prices have been established for the coals of certain District 14 producers in this size group, and that District No. 14 producers in Production Groups 2 to 9, inclusive, are also able to produce this size of coal; that a minimum price of $3.00 reflects the relative market value of such coals; and that no protests had been filed regarding this proposal. It appears that there is no objection to the price proposed, and that, upon the basis of the above-mentioned representations, a price classification should be established to reflect this proposal.

The Director, having considered the petitions and the views expressed and the data submitted in connection therewith at the informal conference, finds that a reasonable showing of necessity has been made for the granting of the temporary relief requested, pending final disposition of these proceedings, and the petitioner has made an adequate showing of actual or impending injury in the event that temporary relief is not granted, that the granting of this relief will not prejudice other interested persons in advance of a hearing, and that, pending final disposition of these proceedings, temporary relief, as hereinafter provided, should be granted.

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 14 For All Shipments Except Truck is supplemented as follows:

1. In Size Group 6 Price Classification "O" be established, which price classification be, and it hereby is, added on pages 21 and 22 to the price tables in Price Schedule No. 1 for District No. 14, subject to price instructions and exceptions on pages 2 and 3 thereof, with a minimum price f.o.b. mine of 375 cents per net ton for coal shipped by rail to all market areas except Market Area 40 or Minneapolis or St. Paul, Minnesota, and with a minimum price f.o.b. mine of 340 cents per net ton for coal shipped by rail to Market Area 40 or Minneapolis or St. Paul, Minnesota; and

2. In Size Group 12 Price Classification "L" be established, which price classification be, and it hereby is, added on pages 21 and 22 to the price tables in Price Schedule No. 1 for District No. 14, subject to price instructions and exceptions on pages 2 and 3 thereof, with a minimum price f. o. b. mine of 300 cents per net ton for coal shipped by rail to all Market Areas except Market Area 40 or Minneapolis of St. Paul, Minnesota, and with a minimum price f. o. b. mine of 265 cents per net ton for coal shipped by rail to Market Area 40 or Minneapolis or St. Paul, Minnesota.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, except as to Hiawatha Coal Company as to which the order shall be effective fifteen (15) days from the date thereof, the

Schedules of Effective Minimum Prices for District No. 14 For All Shipments Except Truck and For Truck Shipments is supplemented to include the price classification and minimum prices set forth in the Schedules marked "Supplement R" and "Supplement T" annexed hereto and hereby made a part hereof.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 14 For All Shipments Except Truck is supplemented to include the establishment in Size Group 12 of Price Classification "L" for all mines in Production Groups 2 to 9, inclusive, and the Schedule of Effective Minimum Prices for District No. 14 For Truck Shipments is supplemented to include the establishment in Size Group 12 of a minimum price of 300 cents per net ton for all mines in Production Groups 2 to 9, inclusive, for shipment into all market areas; and that all such shipments shall be subject to the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Effective forthwith the Schedules of Effective Minimum Prices for District No. 14 For All Shipments Except Truck and For Truck Shipments are amended to include the following Price Exceptions:

1. "Price Exception 5. Prices listed herein for Nesch Coal Company may be reduced a maximum of 15 cents per net ton for shelly, off-grade coal, in Size Groups 4, 6, 7, and 8, provided the District Board, with the approval of the Bituminous Coal Division, upon petition of the producer or upon its own motion determines that such coal is shelly, off-grade coal. All orders, acknowledgments, and invoices shall contain a complete description of such shelly, off-grade coal."

2. "Price Exception 6. Prices listed herein for coals in Size Group 3 with a bottom size larger than 2½ inches shall be increased 15 cents per net ton for such coals of producers in Production Groups 2 to 9, inclusive, except for producers listed in Price Exception 7."

3. "Price Exception 7. Prices listed herein for coals in Size Group 3 with a bottom size larger than 2½ inches shall be increased 25 cents per net ton for such coals of Safeway Coal Company, Henderson Coal Company, and Panama Vein Coal Co."

And it is further ordered, That, so much of the petition in Docket No. A–137 as concerns a proposed increase in the effective minimum prices applicable to the coals of Harper & Thornton Coal Company in Size Groups 4, 6, 7, and 8 be, and it hereby is, dismissed, without prejudice, effective twenty (20) days from the date of this Order, unless good cause to the contrary shall appear and the Director shall otherwise order.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: June 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–4297; Filed, June 16, 1941; 11:03 a. m.]

[Docket No. A–524]

PETITION OF DISTRICT BOARD NO. 7 FOR ESTABLISHMENT OF MINIMUM PRICES FOR REFUSE COAL PRODUCED AT MINE INDEX NOS. 21, 94, 117, AND 126 IN DISTRICT NO. 7

[Docket No. A–706]

PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF A MINIMUM PRICE FOR REFUSE FUEL PRODUCED AT MINE INDEX NO. 207 IN DISTRICT NO. 7, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matters, heretofore scheduled for June 16, 1941, should be postponed until on or about July 22, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matters be postponed from 10 o'clock in the forenoon of June 16, 1941, until 10 o'clock in the forenoon of July 22, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matters is hereby extended until July 17, 1941.

Dated: June 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–4292; Filed, June 16, 1941; 11:02 a. m.]

[Docket No. A–758]

PETITION OF THE YOUGHIOGHENY AND OHIO COAL COMPANY FOR PERMISSION TO ABSORB CERTAIN DIFFERENTIALS IN TRANSPORTATION CHARGES INVOLVED IN SHIPMENTS FROM ITS MILWAUKEE DOCK TO CERTAIN DESTINATIONS IN PORT EQUALIZATION TERRITORY IN MARKET AREAS 42 AND 43

ORDER DENYING MOTION FOR LEAVE TO INTERVENE AND DENYING APPLICATION FOR RECONSIDERATION OF MOTION FOR TEMPORARY RELIEF AND ORDER DENYING MOTION THAT THE ORIGINAL PETITIONER BE DIRECTED TO AMEND ITS AMENDED AND SUPPLEMENTAL PETITION

The Fellenz Coal and Dock Company, Arthur Kuesel Coal Company, Leszcynski Fuel Company, Milwaukee-Western Fuel Company, North Western Fuel Company, The United Coal and Dock Company, Wisconsin Great Lakes Coal & Dock Company and Wisconsin Ice & Coal Company ("Registered Distributors") filed a joint motion for leave to intervene and intervening petition in the above-entitled matter on June 2, 1941, alleging that said companies were registered distributors pursuant to the Bituminous Coal Act of 1937 and the applicable Rules and Regulations issued thereunder and requesting that such companies be granted the same temporary relief prayed for by the original petitioner in its amended and supplemental petitions.

The aforesaid Registered Distributors and the original petitioner also filed, on June 2, 1941, an application for reconsideration of motion for temporary relief and affidavits in support thereof requesting that the Director reconsider his order herein dated May 24, 1941, which denied temporary relief, and alleging that some of the parties to the motion have already suffered damages and that others will shortly suffer damage if the absorptions sought by the petitioner are not permitted.

On June 4, 1941, the Consumers' Counsel Division, an intervener, filed a motion for amendment of original petition, as hereinafter indicated, and for denial of temporary relief on the ground that neither the original petition dated March 19, 1941, nor the amended and supplemental petition dated May 1, 1941, nor the motion for temporary relief dated May 17, 1941, all of which were filed by the original petitioner herein, contain a properly detailed statement of the nature and extent of the injury which makes it imperative that the original petitioner obtain the temporary relief sought nor do they contain any statement of the market history of the coals competing in the localities involved or the price or prices at which these coals move. The Consumers' Counsel Division prayed that the original or amended and supplemental petition should be amended to show, among other things, the exact nature of the relief sought; the specific minimum prices, price instructions or other parts of the schedules of effective minimum prices which should be modified in order to effectuate the purposes of subsection (b) of Part II of section 4 of the Bituminous Coal Act of 1937; the mine or mines involved in the proceeding; the vessel or any other transportation costs not readily available to other parties herein or a detailed statement of the actual cost incurred by the petitioner in other than arm's length transactions together with a description of the manner in which they are or may

be determined. The intervener also contended that this case was initiated more than two months ago and was first set for hearing more than a month ago and that evidence would have been available to the Director on which to base a decision for temporary relief were it not for the fact that two continuances were granted, both upon the request of the original petitioner; and that to grant temporary relief to the petitioner alone would probably create an unfair advantage in its favor and against competing dock operators similarly situated, and might injure the consuming public, and that an order granting temporary relief either in general or in particular would constitute a broad alteration of the present price relationships established after due hearings in General Docket No. 15.

The Director is of the opinion that section 4 II (d) of the Bituminous Coal Act of 1937 does not provide that registered distributors may become parties to proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The aforesaid motion dated June 2, 1941, of the registered distributors for leave to intervene should be denied without prejudice however to the rights of such companies to appear in this docket pursuant to § 301.107 (a) of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Rules"). The motion filed by the registered distributors shall be deemed to constitute a written appearance within the meaning of § 301.107 of the Rules. The registered distributors should be granted leave to present evidence, cross-examine witnesses, file briefs, and make oral argument.

Despite the affidavits which have been filed in support of the prayer for temporary relief sufficient facts have not as yet been adduced to show the exact nature of the alleged impending injuries to the original petitioner or Registered Distributors in the event temporary relief is not granted. It still does not appear what consumers of coal are involved or what business may be lost or diverted from the original petitioner of the Registered Distributors. Nor has the Director yet been informed of the precise nature of the relief sought—the specific minimum prices, price instructions or other parts of the schedules of effective minimum prices which should be modified in order to effectuate the purposes of subsection (b) of Part II of section 4 of the Act. Other facts thus far not shown which may be pertinent to a decision on the matters herein involved are set forth in the motion filed by the Consumer's Counsel Division.

The Director is therefore of the opinion that he has not been fully apprised of all the facts concerning the matters herein involved and that for these reasons, and for the reasons set forth in the Order dated May 24, 1941, the motion for reconsideration of the motion for temporary relief should be denied without prejudice.

In view of the fact that no relief has so far been granted and that an early hearing will be held herein on June 17, 1941, the Director is further of the opinion that the facts regarding those matters as to which the Consumers' Counsel Division desires further particularization may be properly developed at the hearing. The Director is, therefore, of the opinion that the motion of the Consumers' Counsel Division seeking further particulars from the original petitioner, should not be granted at this time.

Accordingly, it is so ordered.

Dated: June 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-4300; Filed, June 16, 1941; 11:04 a. m.]

[Docket No. A-841]

PETITION OF DISTRICT BOARD 3 FOR PERMISSION TO APPLY EFFECTIVE MINIMUM PRICES FOR RIVER SHIPMENTS TO COAL SOLD BY CODE MEMBERS IN DISTRICT NO. 3 TO COLONIAL STEEL COMPANY AND SHIPPED BY RIVER TO DOCKS OF PITTSBURGH AND LAKE ERIE RAILWAY COMPANY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

District Board 3, the original petitioner herein, having filed a motion requesting that the hearing herein be postponed until June 23, 1941, and good cause therefor having been shown; and

It appearing that there is no objection to such motion;

It is, therefore, ordered, That the hearing in the above-entitled matter originally scheduled for June 16, 1941, be, and it is hereby, postponed until 10 a. m. on June 23, 1941, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to where such hearing will be held.

Dated: June 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-4294; Filed, June 16, 1941; 11:02 a. m.]

[Docket No. A-867]

PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR A REVISION OF THE SEASONAL DISCOUNT SCHEDULES FOR DISTRICTS NOS. 4, 7, 8, 10 AND 13, AND OTHER DISTRICTS, FOR THE SUMMER SEASON OF 1941

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

This proceeding was instituted upon an original petition of the Consumers' Counsel Division in the Office of the Solicitor of the Department of the Interior. The petition was filed with the Bituminous Coal Division on May 9, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and requests a modification of the Schedules of Minimum Prices for all districts in which seasonal discounts on prepared sizes of coal are permitted, so that the maximum discount applicable for the district may be permitted until July 1, 1941, and that 80% of such maximum be permitted during July, 60% of such maximum be permitted during August, and 20% of such maximum be permitted during September. It is further requested that any relief granted in this matter be made equally applicable to any extensions of seasonal discounts to other producing districts or subdistricts, or to any other market areas, which may be granted prior to October 1, 1941, as a result of any proceeding now pending or as a result of any proceeding which may be instituted.

Intervening petitions were filed by District Boards 2, 4, 6, 7, 9, 10, and 11.

After due notice to interested persons, an informal conference was held on May 20, 1941, concerning the matter of temporary relief.

Represented at the conference were the original petitioner and the Bituminous Coal Producers Boards for Districts Nos. 1, 2, 3, 4, 6, 7, 8, 11, 13, 14, 16, 17, and 19, and six Illinois producers.

Position of the Consumers' Counsel Division

In support of the petition,[1] the Consumers' Counsel Division advanced several contentions. It was alleged that modification of the seasonal discount schedules should stimulate purchases of coal during the summer months and thus tend to avoid transportation difficulties which the Consumers' Counsel expects to arise next fall. It was further alleged that the shutdown of the mines during April 1941 resulted in consumers being deprived of their opportunity to purchase coal at the maximum seasonal discounts provided for in the Schedules of Effective Minimum Prices. The petitioner admitted that it was impossible to prove as a fact that movements in the coming October would be greater than in October 1940, but that in its considered judgment this would be so. The Consumers' Counsel agreed that it was primarily a question whether its judgment or that of the producers and district boards opposing the relief was correct.

The revised discount schedules, as prayed for, would in the opinion of petitioner also result in advantage to coal producers for the potential restriction of October movements of coal may result in allocation of tonnages and the loss of a great opportunity to regain markets for coal that had been lost to fuel oil and gas.

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[1] The original petitioner filed the petition upon its own initiative; no complaints had been received from consumers.

The original petitioner presented Mr. Karl W. Fischer, assistant to Mr. Ralph Budd of the Office of Transportation Coordinator of the National Defense Commission. Mr. Fischer made the following representations: That while the recent coal strike interfered with the movement of about 400,000 to 600,000 cars of coal during April and while it is desirable to spread the movement of such coal over the balance of the year, the railroads have nonetneless announced that they are ready and willing to meet whatever emergency may occur, and although there might be an increased burden on the railroads, there is no shortage of equipment at present nor is it anticipated that any shortage will occur during the next month and a half or two months. It was also his opinion that the railroads are equipped with more motive power and cars than in 1940 and that there are still large unfilled orders for cars and equipment that will probably be available to meet the increased demand for coal and other material next fall. The original petitioner pointed out that Mr. Fischer had not stated that there would not be a shortage of cars in October.

Position of the District Boards and Producers

The Bituminous Coal Producers Boards for Districts 2, 3, 4, 7, 8, 11, 13, 14, 16, and 17, and six Illinois producers, were generally opposed to the granting of any relief pending final disposition of the petition herein.

Speaking generally, it was their collective position that the purpose of seasonal discounts was to give retail dealers an incentive to buy coal during the months in which they would not otherwise buy. It was stated that consumers do not benefit from seasonal discounts nor do they always take advantage of them. By way of example, it was stated that some producers operating river docks offered their coals customarily used for household purposes throughout the month of April at the full April discount and were not able to move the entire stock of domestic coals.

It was the claim of the boards that no showing by the original petitioner had been made that coal would not move during the summer months unless an additional seasonal discount should be provided. Some of the producers actually suggested that seasonal discounts be eliminated for the summer of 1941 on the ground that they are now having difficulty in securing sufficient sales realization with which to meet increased costs. There is no assurance, it was said, that either the producer or the retailer will make reductions in prices even though the relief requested is granted.

With respect to the situation created by the strike, it was stated that there had been an increase in production and shipment of coal in anticipation of a strike at, or shutdown of, the mines. Accordingly, it was claimed that the shutdown of the mines in April will not have a very great effect on fall movements in coal.

It was further alleged that there is now a greater supply of cars than was available throughout the last two decades. Furthermore, it was claimed that if there is any real expectation of a car shortage, that, in and of itself, is the greatest possible incentive for the purchases of coal throughout the summer. The boards and producers concluded, therefore, that there was no need for any additional incentive to stimulate purchases of coal.

Finally it was said that the relief requested would disrupt the coordination of minimum prices established for certain districts and would thus prejudice certain producers and would otherwise fail to maintain fair competitive opportunities.

Conclusions of the Director

It is thus clear that the issues raised by the petition are highly complex and controversial. Their disposition at this time would necessarily rest largely on a choice between conjectural possibilities as to which there is a sharp division of opinion. After careful review of all of the representations so far made in this proceeding, the Director is not satisfied that a sufficient basis has been made justifying the invocation of the Division's powers with respect to temporary relief. The original petitioner has not shown any dissatisfaction with the coordination of prices or rules and regulations such as would require a modification thereof in order to effectuate the purpose of Subsection (b) of Part II of section 4 of the Act.[2]

The Director is of the opinion that the issues presented should be disposed of after a full and formal hearing, at which all pertinent evidence may be adduced and all the facts fully developed. Such a hearing is already scheduled to proceed in the near future—on June 23, 1941. During such hearing or immediately following its conclusion, the opportunity is available to the original petitioner to renew its prayer for temporary relief upon the basis of the record made therein.

In view of the foregoing circumstances, it appears to the Director that a reasonable showing of necessity has not been made for the granting of the relief prayed for; that no adequate showing has been made of actual or impending injury to the nation's welfare, or to producers or consumers, in the event that such relief is not granted; and that no adequate showing has been made that the granting of temporary relief would not unduly prejudice other interested persons, pending final disposition. It should be recognized that the granting of temporary relief might disturb the coordination of the minimum prices established for coals of certain Districts and might affect the existing fair competitive opportunities.

Now, therefore, it is ordered, That the application for temporary relief be, and the same hereby is, denied without prejudice.

Nothing herein shall be deemed to constitute an adjudication of, or an expression of an opinion concerning the merits of the original petition.

Dated: June 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-4296; Filed, June 16, 1941; 11:03 a. m.]

[2] The revision of the schedules of seasonal discounts proposed by petitioner was not based on any fundamental theory, but simply represented the original petitioner's best guess as to what discounts would preserve the present pattern of seasonal discounts and obtain the desired stimulation of coal buying.

[Docket No. A-882]

PETITION OF DISTRICT BOARD 10 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 10, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINES AND OTHER MINES IN DISTRICT NO. 10, ON SHIPMENTS TO THE NAVAL TRAINING STATION, GREAT LAKES, ILLINOIS, MARKET AREA NO. 41

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF IN ADVANCE OF A HEARING, AND NOTICE OF AND ORDER FOR HEARING

The original petition in the above-entitled matter, as amended, prays for the issuance of temporary and final orders permitting any mine on the Illinois Central Railroad, in Price Groups 1, 2, and 3, to reduce the effective minimum prices for its coals, for shipment to the Naval Training Station, Great Lakes, Illinois, Market Area No. 41, to the extent of the difference between its freight rate and the lowest land grant freight rate from any other mine on the Illinois Central Railroad, in Price Groups 1, 2, and 3; provided that such deductions shall not exceed 10 cents per ton. The temporary relief requested is asserted to be of such an urgent character that the Director is warranted in granting temporary relief wthout any hearing, formal or informal.

In support of the petition, it is alleged that shipments to the United States Naval Training Station, Great Lakes, Illinois, move on land grant freight rates, via the Illinois Central Railroad; that although all of the mines in Price Groups 1, 2, and 3 take the same commercial freight rate, their land grant rates, for shipment to the Naval Training Station, vary from a few mills to a maximum of 7 to 10 cents, because of variations in their distance from the main line of the Illinois Central Railroad; that the lowest land grant rate is apparently applicable either to the Buckhorn Mine, Mine Index No. 18, of the Consolidated Coal Company, or Mine No. 14, Mine Index No. 120, of the Old

Ben Coal Corporation; that a number of the code members on behalf of whom relief is sought filed bids with the Navy Department, for opening on May 21, 1941, "conditioned upon the relief granted in this petition;" that neither the Consolidated Coal Company nor the Old Ben Coal Corporation objects to the granting of the relief prayed for; and that the relief is essential if the competitive situation among the producers who have in the past competed for the business in question is to be preserved.

Although the allegations of the petition indicate that the matter is an urgent one, the Director is of the opinion that the matter presents an inappropriate basis for temporary relief without a hearing. For one thing, it does not appear that all code members who might be affected by the relief prayed for were apprised that the instant petition would seek relief with respect to the bids allegedly opened by the Navy Department on May 21, 1941. Furthermore, the petition is barren of any allegations concerning the possible effect of the relief prayed for on other mines in District No. 10. For example, there is no allegation as to the mines which have in the past enjoyed the business of the Naval Training Station. In addition, the matter of the relationship of the various land grant rates involved seems to require elaboration at a hearing.

For all of these reasons, it appears to the Director that a hearing must precede any disposition of the instant petition, temporary or permanent. However, in view of its urgency, the petition will be set down for hearing at the very earliest date practicable.

Now, therefore, it is ordered, That the prayer for temporary relief be denied at this time.

It is further ordered, That a hearing on the prayers for temporary and permanent relief in the above-entitled matter be held, under the applicable provisions of the Bituminous Coal Act of 1937 and the rules and regulations of the Division, on June 20, 1941, at 10 a. m. (Eastern Standard Time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for Proceedings Instituted Pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 19, 1941.

The matter concerned herewith is in regard to the prayer of District Board 10 for the establishment of a Price Exception reading as follows:

On shipments to the Naval Training Station, Great Lakes, Illinois, Market Area No. 41, any mine on the Illinois Central Railroad in Price Groups 1, 2, and 3 (as defined in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck) may reduce its price sufficiently to equalize the lowest land grant rate from any other mine on the Illinois Central Railroad in Price Groups 1, 2, and 3: *Provided,* That such reductions shall in no case exceed 10 cents per ton.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

Dated: June 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-4295; Filed, June 16, 1941; 11:03 a. m.]

[Docket No. A-907]

IN THE MATTER OF THE PROPOSED REDUCTION OF THE EFFECTIVE MINIMUM PRICES APPLICABLE TO SALES OR DELIVERIES OF COAL BY WISCONSIN ICE AND COAL COMPANY, A REGISTERED DISTRIBUTOR, TO THE UNITED STATES GOVERNMENT VETERANS ADMINISTRATION FACILITY, WOOD, WISCONSIN

NOTICE OF AND ORDER FOR HEARING

Wisconsin Ice and Coal Company, a registered distributor of coal, submitted to the Bituminous Coal Division on June 5, 1941, a letter requesting the institution of proceedings by the Director of the Bituminous Coal Division to review and revise minimum prices in respect to certain coals which may be sold or delivered by it to the Veterans' Administration Facility, Wood, Wisconsin. The coal in question consists of ½ or ⅝"×0 screenings produced by Mine Index Nos. 38 and 93, as shown in the Schedule of Effective Minimum Prices for District No. 7 for all Shipments Except Truck, low volatile. This coal is included in Size Group 9 of the aforementioned Schedule and is classified "D".

Now, therefore, it is ordered, That a hearing in the above-entitled matter, under the applicable provisions of the Bituminous Coal Act of 1937, be held on July 1, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons or entities having an interest in these proceedings and eligible to become a party herein. Any person, including the person specified above who requested the institution of this proceeding, desiring to be admitted as a party to this proceeding, may file a petition of intervention, setting forth clearly and concisely the facts on the basis of which the relief requested by Wisconsin Ice and Coal Company is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before June 30, 1941. So far as practicable, the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4, II, (d) of the Bituminous Coal Act of 1937 shall apply to the proceeding herein.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifi-

cally referred to herein, other matters necessarily incidental and related thereto, which may be raised by the petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the request made by Wisconsin Ice and Coal Company.

The matter concerned herewith is in regard to the request of Wisconsin Ice and Coal Company for a reduction in the minimum prices at which it may ship Size Group 9 coal, produced by Mine Index Nos. 38 and 93, of the Schedule of Effective Minimum Prices for District No. 7 for all Shipments Except Truck, Low Volatile, to the United States Government Veterans Administration, Wood, Wisconsin. The propriety of the f. o. b. mine prices for such coals, for shipment to Wisconsin Ice and Coal Company, is not in issue.

Wisconsin Ice and Coal Company states in its letter that under the presently effective minimum prices it is required to charge not less than $5.20 for such coal, delivered at Wood, Wisconsin, determined as follows:

F.O.B. mine price	$1.60
Freight to Lake Erie port	2.15
Vessel rate to Milwaukee	.55
Dock handling charge	.50
Cartage charge	.40
Total	5.20

Wisconsin Ice and Coal Company asserts that it has enjoyed the business of the Veterans Administration Facility at Wood, Wisconsin, for four years but will be deprived of this business unless the applicable minimum prices are reduced.

Dated: June 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–4291; Filed, June 16, 1941; 11:02 a. m.]

[Docket No. 1630–FD]

IN THE MATTER OF BRADFORD COAL COMPANY (R. S. WALKER), DEFENDANT

ORDER POSTPONING HEARING

The above-entitled proceeding having been scheduled for hearing on June 18, 1941, in the Post Office Building, Clearfield, Pennsylvania, before Charles O. Fowler, a Trial Examiner of the Division, and the defendant having requested that the hearing be postponed and upon good cause shown;

It is ordered, That the hearing in the above-entitled matter be postponed until 10 o'clock in the forenoon of July 18, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearing.

Dated: June 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–4293; Filed, June 16, 1941; 11:02 a. m.]

[Docket No. 1631–FD]

IN THE MATTER OF SOLAR FUEL COMPANY, DEFENDANT

ORDER FOR WITHDRAWAL OF COMPLAINT, DISCONTINUANCE OF PROCEEDING, AND CANCELLATION OF HEARING

Baton Coal Company, the complainant in the above entitled proceeding, having filed a motion to withdraw its complaint herein and discontinue this proceeding, and no objection to such motion having been made;

Now, therefore, it is ordered, That the complaint in the above entitled proceeding is withdrawn and the proceeding herein is discontinued without prejudice; and

It is further ordered, That the hearing heretofore scheduled for June 16, 1941, at Uniontown, Pennsylvania, be and it is hereby cancelled.

Dated: June 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–4299; Filed, June 16, 1941; 11:04 a. m.]

[Docket No. 1695–FD]

IN THE MATTER OF PROCEEDINGS TO DETERMINE IF CERTAIN REGISTERED DISTRIBUTORS ARE BONA FIDE MERCHANTS ACTIVELY, REGULARLY, AND CONTINUOUSLY ENGAGED IN THE BUSINESS OF PURCHASING COAL FOR RESALE AND ACTUALLY RESELLING IT IN NOT LESS THAN CARGO OR RAILROAD CARLOAD LOTS WITHIN THE MEANING OF § 304.13 OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS; AND FOR THE REVOCATION OF THE REGISTRATION OF DISTRIBUTORS WHO ARE NOT SO ENGAGED

ORDER OF DISMISSAL AS TO CERTAIN RESPONDENTS

It now appearing, from information in the possession of the Division, that certain of the respondents listed in Exhibit "A" in the Order to Show Cause and Notice of Hearing in this Docket, dated May 26, 1941, are actively, regularly, and continuously engaged in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors;

It is therefore ordered, That the proceedings in Docket No. 1695–FD be dismissed without prejudice as to the following named respondents:

Number	Name	Address
0074	Agans, E. E. (Agans Coal Co.).	Lovilia, Iowa.
0646	Benson Coal Co. (Richard T. Benson).	240 Genesee St., Utica, N. Y.
0818	Blailock, H. C., The Coal Man (H. C. Blailock).	2325 West 21st St., Oklahoma City, Okla.
1015	Brady, Howard W. (E. S. Brady & Co.).	Monroe & Laurens Sts., Baltimore, Md.
1285	Burns, Mike (Burns Fuel Co.).	24th & Clifton Rd., Nashville, Tenn.
1313	Butler, Arthur L. (Butler Coal Co.).	55 Fiske Road, Wellesley Hills, Mass.
1543	Chase, Edmond W. (Chase Coal Co.).	310 Kalamazoo Nat'l Bank Bldg., Kalamazoo, Mich.
1836	Coolidge Coal Co., The S. B. (S. B. Coolidge).	606 Rockefeller Bldg., Cleveland, Ohio.
1062	Brennan, Wallace E. (Brennan Coal Co. & Quality Coal Co.).	106 Cedar St., Aurora, Ill.
1969	Crew Builders Supply Co. (Sidney I. Crew).	2120 Madison Ave., Norwood, Ohio.
2188	Deaton, C. O. (Deaton Coal & Coke Co.).	2000 W. Riverview Ave., Dayton, Ohio.
2334	Dienstberger Coal Sales (Arnold Dienstberger).	205½ S. Main St., Delphos, Ohio.
2341	Dietrich Coal Co., A. E. (Arthur E. Dietrich).	151 Lodge Rd., Burlington, Vt.
2472	Dowling Coal Co. (L. H. Dowling).	424 Bell Bldg., Manchester, N. H.
2477	Downing, Richard (Downing Coal Co.).	844 Leader Bldg., Cleveland, Ohio.
2835	Everson Coal Sales, Inc. (Ray Everson).	41 Martin Bldg., Utica, N. Y.
3104	Forsyth Coal Company (James G. Forsyth).	806 Fullerton Bldg., St. Louis, Mo.
3305	Galloway, W. T. (Galloway Coal Co.).	Huntsville, Ala.
3733	Griest, M. M. (M. M. Gries Company).	1404 Keenan Bldg., Pittsburgh, Pa.
3724	Griffin, Jr., W. H. (W. H. Griffin & Son).	Goldsboro, N. C.
3955	Hankison & Co., J. D. (Jenneth B. Hankinson).	18 Pearl Street, Utica, N. Y.
4075	Hasler Coal Co., W. Va. (W. V. Hassler).	706 Colonial Trust Bldg., Reading, Pa.
4153	Hedges Lumber & Coal Co. (Chas. E. Hedges).	Mt. Vernon, Iowa.
4086	Hattemer Coal & Coke Co. (Henry L. Hattemer).	623 N. Court St., Montgomery, Ala.
4391	Hodge Coal Co., The (John A. Hodge).	Equitable Bldg., Denver, Colo.
4507	Horning-Ross Coal Co. (Walter F. Horning).	856 Insurance Bldg., Omaha, Nebr.
4573	Hubbell Coal Co. (Chas. G. Hubbell).	405 Finance Bldg., Kansas City, Mo.
4627	Hunt, Millard (Hunt Fuel Co.).	180 N. Prospect St., Marion, Ohio.
4764	Janney Coal Mining Co., Inc.	1 Broadway, New York, N. Y.
4825	Johns Coal Co., The F. C. (F. C. Johns).	517 Rockefeller Bldg., Cleveland, Ohio.
5106	Kirschbaum Coal Co., Frank (Frank Kirschbaum).	417 S. Dearborn St. Chicago, Ill.
5143	Kline Coal Co. (Edward W. Kline).	1031 Lumber Exchange, Minneapolis, Minn.
5511	Leland Coal Co. (James E. Leland).	Hamilton, N. Y.
5586	Light Coal Co., B. G. (B. G. Light).	27 S. 8th St., Lebanon, Pa.
5795	Lytton Fuel Co. (Harry Lytton).	37 W. Van Buren St., Chicago, Ill.
5594	Marchisello, Antonia (Lincoln Fuel Co.).	Decatur, Ill.
5966	Markham Coal Co. (John L. Markham).	310 S. Michigan Ave. Chicago, Ill.
5972	Marlowe & Co., J. F. (Julius F. Marlowe).	645 S. Dudley St., Memphis, Tenn.
6052	Matthes Coal & Supply Co. (George C. Matthes).	Hayes Ave. & N. Depot St., Sandusky, Ohio.
6068	Max Coal Co. (Theodore L. Max).	266 Genesee St. Utica, N. Y.
6106	McCann Co., John J. (James J. McCann).	471 Main St., Poughkeepsie, N. Y.
6195	McGlone Coal, T. F. (T. F. McGlone).	617 Montgomery Bldg., Spartanburg, S. C.
6232	McKay, H. J. (McKay Coal Co.)	511 First Ave., Dallas, Tex.
6463	Mills, S. K. (Mills Coal & Transfer Co.).	520 Fenwick St., Augusta, Ga.
6804	Nelson Coal Co. (Camillus H. Nelson).	West Pawlet, Vt.
6838	Newhouse Coal Co. (Wm. H. Newhouse).	1030 S. Eighth St., Louisville, Ky.
6892	North Coal Co., C. R. (C. R. North).	Lower Basin, Lynchburg, Va.
7142	Parke, Allen J. (Allen J. Parke & Co.).	97 W. Main St., Uniontown, Pa.
7341	Pitcher Coal Co., J. O. (J. O. Pitcher).	Perry Bldg., Elmira, N. Y.
7401	Porter, D'Arcy H. (Porter Coal Co.).	2112 Terminal Tower Cleveland, Ohio.
7416	Potts, D. H. (Potts Coal Co.).	Gibsonburg, Ohio.
7686	Rice, Jr., John W. (J. W. Rice Coal Co.).	213 Seitz Bldg., Syracuse, N. Y.
7781	Roche Coal Co., O'Neil (Frank L. Roche).	113–115 River St., Troy, N. Y.

Number	Name	Address
7854	Rosengrant Coal Co. (Rosengrant, G. D.).	332 S. Michigan Ave., Chicago, Ill.
8005	Sander Coal Co. (Paul F. Sander).	11427 Union Ave., Chicago, Ill.
8264	Sergeant Coal Sales Co. (E. M. Sergeant).	542 E. Michigan Ave., Kalamazoo Mich.
8301	Shaw, John K. (Shaw Bros.).	10 South Street, Baltimore, Md.
8362	Shriver, Frank C. (Shriver-Neill Coal Co.).	817 Real Estate Trust Bldg., Philadelphia, Pa.
8412	Simons & Son, A. (A. G. Simons).	Atlas Bldg., Columbus, Ohio.
8461	Slack Coal Co. (F. W. Slack).	823 Land Title Bldg., Philadelphia Pa.
8495	Smith & Co., J. W. (J. W. Smith).	914 St. Paul St., Baltimore, Md.
8496	Smith Co., The Joseph B. (Joseph B. Smith).	803 Edison Bldg., Toledo, Ohio.
8579	Speer, Jr., C. P. (Speer & Co.).	254 E. King St., Chambersburg, Pa.
8795	Strickland, A. E. (Strickland Coal Co.).	326 Patterson Bldg., Denver, Colo.
8873	Sweeney Coal Co., C. F. (Chas. F. Sweeney).	2127 David Stott Blg. Detroit, Mich.
9267	Vetterlein Co. (Wayne S. Vetterlein).	1520 Locust St., Philadelphia, Pa.
9292	Voelcker, H. B. (Herbert B. Voelcker).	50 Fillmore Ave., Tonawanda, N. Y.
9346	Wagner Coal Co., Harry (Harry Wagner).	545 Fairmount Pl., Ft. Wayne, Ind.
9541	Weinhart Coal Co., C. A. (C. A. Weinhart).	1002 Grand Rapids Trust Bldg., Grand Rapids, Mich.
9586	Werry Coal Co. (Arthur J. Werry).	Vineland, N. J.
9715	Wilcox Coal Co. (Charles E. Wilcox).	Bulletin Bldg., Philadelphia, Pa.
9756	Williams Coal Co., Geo. D. (Geo. D. Williams).	300 Brandeis Theatre Bldg., Omaha, Nebr.
9757	Williams Coal Co. (Geo. F. Williams).	1115 Volunteer Bldg., Chattanooga, Tenn.
9763	Willis, Dana S. (D. S. Willis Coal Co.).	7 S. Dearborn St., Chicago, Ill.
9866	Woodruff Coal Co. (Guy B. Woodruff).	802 American Nat'l Bank Bldg., Kalamazoo, Mich.
9897	Wright Coal Co. (T. Carlton Wright).	1003 E. 13 St., Chattanooga, Tenn.

Dated: June 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–4298; Filed, June 16, 1941; 11:03 a. m.]

National Park Service.

ORDER DESIGNATING THE SAN JOSE MISSION NATIONAL HISTORIC SITE, TEXAS

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the San Jose Mission, located one and one-half miles south of the city limits of San Antonio, State of Texas, is recognized as possessing national significance, as one of the most important of a chain of Spanish missions in the Southwest; and

Whereas a cooperative agreement has been made between the Archbishop of San Antonio of the State of Texas, as trustee for and representative of the Catholic Church, the State of Texas, acting through the Texas State Parks Board, and the United States of America, providing for a unified program of development and administration for the whole San Jose Mission area, conducive to the preservation and use thereof for the inspiration and benefit of the people of the United States:

Now, Therefore, I, Oscar L. Chapman, Acting Under Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by section 2 of the act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate the following-described lands, together with all historic structures thereon and all appurtenances connected therewith, to be a national historic site, having the name "San Jose Mission National Historic Site":

All those pieces or parcels of land which are now owned or may hereafter be acquired by the Catholic Church or the State of Texas and lying within 1,750 feet of the San Jose Mission Church Building, situated approximately one and one-half miles south of the city limits of San Antonio, State of Texas.

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the city of Washington, this 1st day of June 1941.

OSCAR L. CHAPMAN,
Acting Under Secretary.

[F. R. Doc. 41–4285; Filed, June 16, 1941; 10:31 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 44–402–C–1]

IN THE MATTER OF THE APPLICATION OF CANADIAN COLONIAL AIRWAYS, LTD., FOR A FOREIGN AIR CARRIER PERMIT UNDER SECTION 402 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, being the application of Canadian Colonial Airways, Ltd., for a permit authorizing the applicant to engage as a foreign air carrier of persons, property, mail and Canadian mail, in scheduled foreign air transportation between Montreal, Province of Quebec, Dominion of Canada, via Albany, to New York, N. Y., Docket No. 44–402–C–1, is assigned for oral argument before the Board on June 25, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Washington, D. C.

Dated at Washington, D. C., June 13, 1941.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41–4275; Filed, June 16, 1941; 10:26 a. m.]

[Docket No. 613]

IN THE MATTER OF THE PROPOSED NON-STOP SERVICE BY BRANIFF AIRWAYS, INC., BETWEEN KANSAS CITY, MISSOURI AND DALLAS, TEXAS

NOTICE OF HEARING

The above-entitled proceeding, being the application of Braniff Airways, Inc., to operate non-stop between Kansas City, Missouri and Dallas, Texas, on route No. 9, is assigned for public hearing on June 25, 1941, 10 o'clock A. M. (Eastern Standard Time), in Room 1851 Commerce Bldg., 14th Street and Constitution Ave. NW., Washington, D. C., before an examiner of the Board.

Dated at Washington, D. C., June 13, 1941.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41–4274; Filed, June 16, 1941; 10:25 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective June 16, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Jackson Manufacturing Company, West Walnut Street, Danville, Kentucky; Boudoir Chairs and Chaise Lounges; 8 learners; 4 weeks for any one learner; 25 cents per hour; Finisher; September 22, 1941.

Jackson Manufacturing Company, West Walnut Street, Danville, Kentucky; Boudoir Chairs and Chaise Lounges; 8 learners; 8 weeks for any one learner; 25

cents per hour; Woodworking Machine Operator, Upholsterer; November 3, 1941.

Old Sparhawk Mills, 60 Cottage Street, South Portland, Maine; Hand Made Braided Rugs; 2 learners; 4 weeks for any one learner; 25 cents per hour; Hand Sewer on Braided Rugs; December 16, 1941.

The Weber Lifelike Fly Company, Stevens Point, Wisconsin; Flies, Snelled Hooks, Leaders & Spinners; 16 learners; 12 weeks for any one learner; 25 cents per hour; Fly Tiers; October 6, 1941.

Signed at Washington, D. C., this 16th day of June 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41-4316; Filed, June 16, 1941; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective June 16, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Alabama Textile Products Corporation, Riverfalls Street, Andalusia, Alabama; Apparel; Shirts, Underwear; 200 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Alan Dress Company, 808 Chestnut Street, Kulpmont, Pennsylvania; Apparel; Dresses; 25 learners (75% of the applicable hourly minimum wage); October 13, 1941.

B. & O. Manufacturing Company, Jefferson Street, Codorus, Pennsylvania; Apparel; Lumber Jackets, Mackinaws and One Piece Work Suits; 10 percent (75% of the applicable hourly minimum wage); September 8, 1941.

The Badger Raincoat Company, 209 Franklin Street, Port Washington, Wisconsin; Apparel; Men's & Boys' Clothing, Sportswear, Leather & Sheep Lined Garments; 20 learners (75% of the applicable hourly minimum wage); November 1, 1941.

The Bayly-Underhill Manufacturing Company, 2000 Araphoe Street, Denver, Colorado; Apparel; Overalls & Work Suits; 5 percent (75% of the applicable hourly minimum wage); June 16, 1942.

Camden Garment Company, Inc., Box 424, Camden, Arkansas; Apparel; Wash Dresses; 5 learners (75% of the applicable hourly minimum wage); June 16, 1942.

Dixie Lee Garment Company, 220 Franklin Street, Johnstown, Pennsylvania; Apparel; Dresses; 10 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Eckerling Brothers, 2352 West Cermak Road, Chicago, Illinois; Apparel; Jackets, Overalls & Trousers; 5 learners (75% of the applicable hourly minimum wage); June 16, 1942.

Eckerling Brothers, 1219 West Van Buren Street, Chicago, Illinois; Apparel; Jackets, Overalls & Trousers; 5 learners (75% of the applicable hourly minimum wage); June 16, 1942.

Empire Manufacturing Company, Winder, Georgia; Apparel; Cotton Pants, Overalls & Coats; 5 percent (75% of the applicable hourly minimum wage); June 16, 1942.

Franklin Garment Company, North Third Street, Chambersburg, Pennsylvania; Apparel; Ladies' Cotton Dresses; 40 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Gem Garment Company, South Cedar Lane, Greencastle, Pennsylvania; Apparel; Ladies' Cotton Dresses; 40 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Glo Manufacturing Company, Inc., Greenville, Alabama; Apparel; Cotton Shirts & Cotton Pants; 30 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Mr. S. O. Heisley, 124 Liberty Street, Lititz, Pennsylvania; Apparel; Boys' Shirts; 5 learners (75% of the applicable hourly minimum wage); June 16, 1942.

H. Kassoway & Son, 29 North Sixth Street, Philadelphia, Pennsylvania; Apparel; Cotton Hooverettes; 5 learners (75% of the applicable hourly minimum wage); June 16, 1942.

M. Kaufman and Sons, 53 West 23rd Street, New York, N. Y.; Apparel; Suspenders & Garters; 4 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Keystone Garment Company, North Stratton Street, Gettysburg, Pennsylvania; Apparel; Ladies' Cotton Dresses; 40 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Knickerbocker Manufacturing Company, Inc., West Point, Mississippi; Apparel; Men's Pajamas & Woven Underwear; 60 learners (75% of the applicable hourly minimum wage); October 13, 1941.

H. Lang Company, 113 North Second Street, River Falls, Wisconsin; Apparel; Overalls; 12 learners (75% of the applicable hourly minimum wage); September 29, 1941.

Laros Textiles Company, Broad and Wood Streets, Bethlehem, Pennsylvania; Apparel; Ladies' Woven Underwear; 40 learners (75% of the applicable hourly minimum wage); October 20, 1941.

Lehigh Dress Company, 507 Evans Street, Bethlehem, Pennsylvania; Apparel; Dresses; 5 percent (75% of the applicable hourly minimum wage); June 16, 1942.

Martin-Jay Dress Corporation, 143 West Main Street, Amsterdam, New York; Apparel; Dresses; 50 learners (75% of the applicable hourly minimum wage); October 13, 1941.

D. L. Marx Company, 2711 Commercial Street, Cairo, Illinois; Apparel; Jackets, Overalls, Work Suits, Trousers; 10 percent (75% of the applicable hourly minimum wage); September 8, 1941.

The Patricia Undergarment Company, Inc., 125 Main Street, Springfield, Massachusetts; Apparel; Ladies' Silk Nightwear; 30 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Rhoades Manufacturing Company, 1324 Washington Street, St. Louis, Missouri; Apparel; Wash Dresses, Play Suits; 3 learners (75% of the applicable hourly minimum wage); June 16, 1942.

Royal Manufacturing Company, Washington, Georgia; Apparel; Men's Shorts, Cotton Pants & Sport Shirts; 30 learners (75% of the applicable hourly minimum wage); October 13, 1941. (This certificate replaces one issued effective June 5, 1941.)

W. Shanhouse Sons, Inc., Plant A, 923 South Main Street, Rockford, Illinois; Apparel; Pants, Mackinaws, Sport Coats; 5 percent (75% of the applicable hourly minimum wage); September 8, 1941.

Silver Trouser Manufacturing Company, 1405 East Columbus Drive, Indiana Harbor, Indiana; Apparel; Trousers; 8 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Tennesee Overall Company, Inc., 401 Atlantic Street, Tullahoma, Tennessee; Apparel; Overalls & Pants; 5 learners (75% of the applicable hourly minimum wage); October 13, 1941.

Tennessee Overall Company, Inc., 401 Atlantic Street, Tullahoma, Tennessee; Apparel; Overalls & Pants; 5 learners (75% of the applicable hourly minimum wage); June 16, 1942.

The Thompson Shirt Company, Brownstown, Pennsylvania; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); October 13, 1941.

Williamson-Dickie Manufacturing Company, 509 West Vickery Boulevard; Fort Worth, Texas; Apparel; Men's & Boys' Cotton Pants, Overalls, Coveralls, Work Shirts; 10 percent (75% of the applicable hourly minimum wage); September 8, 1941.

The Glove Corporation, 301 W. Harrison Street, Alexandria, Indiana; Gloves; Work Gloves; 15 learners; December 16, 1941.

Brownhill & Kramer, Inc., Coudersport, Pennsylvania; Hosiery; Full Fashioned Hosiery; 25 learners; February 16, 1942.

Owen Osborne Incorporated, Gainesville, Georgia; Hosiery; Full Fashioned Hosiery; 100 learners; December 16, 1941.

Philadelphia Hosiery Mills, Philadelphia, Tennessee; Hosiery; Seamless Hosiery; 5 percent; June 16, 1942.

Slatedale Knitting Mills, Inc., Slatedale, Pennsylvania; Hosiery; Seamless Hosiery; 10 learners; February 16, 1942.

Vermont Hosiery & Machinery Company, Northfield, Vermont; Hosiery; Seamless Hosiery; 10 learners; February 16, 1942.

Vermont Hosiery & Machinery Company, Northfield, Vermont; Hosiery; Seamless Hosiery; 5 percent; June 16, 1942.

H. H. Fessler Knitting Company, 224 East Tammany Street, Orwigsburg, Pennsylvania; Knitted Wear; Knitted Underwear; 5 learners; June 16, 1942. (This certificate replaces one issued effective May 19, 1941.)

Gepner Knitting Mills, 1711 Third Avenue North, Birmingham, Alabama; Knitted Wear; Sweaters; 2 learners; September 29, 1941.

Gepner Knitting Mills, 1711 Third Avenue North, Birmingham, Alabama; Knitted Wear; Sweaters; 2 learners; June 16, 1942.

Victoria Knitting Mills, N. E. Corner 8th & Spring Garden Streets, Philadelphia, Pennsylvania; Knitted Wear; Sweaters; 3 learners; June 16, 1942.

Clover Spinning Mills, Inc., North Main Street, Clover, South Carolina; Textile; Combed & Karded Material Yarns; 21 learners; September 15, 1941.

Columbia Silk Throwing Company, Seventh Street, Bloomsburg, Pennsylvania; Textile; Rayon & Silk Throwing; 6 learners; September 15, 1941.

Suncook Narrow Fabric Corporation, Bartlett Street, Suncook, New Hampshire; Textile; Woven Labels; 1 learner; June 16, 1942.

Bloomsburg Worsted Mills, 340 West 6th Street, Bloomsburg, Pennsylvania; Woolen; Worsted Yarns; 14 learners; October 13, 1941.

Paragon Worsted Company, Rear 37 Manton Avenue, Providence, Rhode Island; Woolen; Worsted Cloth; 3 percent; October 13, 1941.

Signed at Washington, D. C., this 16th day of June 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41-4317; Filed, June 16, 1941; 11:53 a. m.]

NOTICE OF CANCELLATION OF SPECIAL LEARNER CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that the two special certificates for the employment of learners issued to the Rosen Shirt Manufacturing Company, Inc., Quakertown, Pennsylvania, effective December 15, 1939 and October 25, 1940, respectively have been ordered cancelled as of the first dates of violation, which appear to be February 2, 1940 and November 22, 1940, respectively, pursuant to the terms thereof which provide among other things for cancellation as of the date of violation if found that any of the terms have been violated.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any aggrieved person under § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C. this 13th day of June 1941.

ALEX G. NORDHOLM,
Authorized Representative of the Administrator.

[F. R. Doc. 41-4318; Filed, June 16, 1941; 11:53 a. m.]

NOTICE OF HEARING TO DETERMINE THE REASONABLE COST TO THE UNION MANUFACTURING COMPANY AND TO ANY AFFILIATED PERSONS OF BOARD, LODGING, OR OTHER FACILITIES CUSTOMARILY FURNISHED TO THE EMPLOYEES OF THE UNION MANUFACTURING COMPANY

Whereas section 3 (m) of the Fair Labor Standards Act of 1938 provides that "'Wage' paid to any employee includes the reasonable cost, as determined by the Administrator, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees;" and

Whereas the Administrator of the Wage and Hour Division, pursuant to the authority contained in section 3 (m) of the Fair Labor Standards Act of 1938, issued Regulations Determining the Reasonable Cost of Board, Lodging, and other Facilities, pursuant to section 3 (m) of the Fair Labor Standards Act of 1938, Regulations, Part 531, as amended, Title 29, Chapter V, Code of Federal Regulations, providing that a hearing may be held on the motion of the Administrator to determine such "reasonable cost;" and

Whereas the Administrator on his own motion, pursuant to § 531.2 of said regulations, has found that a hearing is desirable to determine the reasonable cost to the Union Manufacturing Company, Union Point, Georgia, and to any affiliated persons, within the meaning of § 531.1 (a) of Regulations, Part 531, of board, lodging or other facilities customarily furnished to the employees of the Union Manufacturing Company;

Now, therefore, notice is hereby given that a public hearing will be held pursuant to section 531.2 of the said regulations on June 27, 1941, at 10:00 a. m. in the City Hall, Union Point, Georgia, before Harold Stein, the presiding officer hereby designated as the authorized representative of the Administrator, at which the testimony of interested persons will be taken and pertinent data received to determine the reasonable cost to the Union Manufacturing Company and to any affiliated persons, within the meaning of § 531.1 (a) of Regulations, Part 531, of board, lodging, or other facilities, customarily furnished by said companies and affiliated persons to employees of the Union Manufacturing Company.

Notices of intention to appear should be filed with Mr. J. R. McLeod, Regional Director, 314 Witt Building, 249 Peachtree Street, Atlanta, Georgia not later than June 26, 1941.

The designated presiding officer is hereby authorized to hear and determine the reasonable cost to the Union Manufacturing Company and to any affiliated persons of board, lodging, or other facilities customarily furnished to employees of the Union Manufacturing Company.

Upon the publication of this notice the Union Manufacturing Company, pursuant to the provisions of § 531.2 of the said regulations, shall notify its employees of the place, date and purpose of the hearing hereby announced by posting notices, in a form prescribed by the Wage and Hour Division, in conspicuous places on its premises.

Signed at Washington, D. C., this 14th day of June 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-4319; Filed, June 16, 1941; 11:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5330]

NOTICE RELATIVE TO THE GAZETTE CO. (NEW)

Application dated November 4, 1938, for construction permit; class of service, broadcast; class of station, broadcast; location, Cedar Rapids, Iowa; operating assignment specified: frequency, 1550 kc. (1600 under NARBA); power, 5 kw. (DA for night use); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the applicant's legal, technical, financial, and other qualifications to construct and operate the proposed station.

2. To determine the extent to which the granting of this application would tend toward a concentration of control over media for advertising and dissemination of intelligence in the proposed service area.

3. To determine the nature and character of service, both program and technical, to be rendered by the proposed station.

4. To determine the character, extent and effect of the interference which the operation of the proposed station may be expected to cause to the service of Station KMPC, Bakersfield, California.

5. To determine the character, extent and effect of the interference which may be expected to be caused to the service of the proposed station through the operation of Station WQXR, New York, N. Y.

6. To determine the character, extent and effect of the interference which the operation of the proposed station may be expected to cause to the service of Station XEAB, Villa Acuna, Mexico.

7. To determine the character, extent and effect of the interference which the operation of the proposed station may be expected to cause to the service of a new station at Brainerd, Minnesota, as proposed in the application (B4–P–2928, Docket No. 6115) of the Brainerd-Bemidji Broadcasting Company.

8. To determine the character, extent and effect of the interference which may be expected to be caused to the service of the proposed station through the operation of a new station at Brainerd, Minnesota, as proposed in the application (B4–P–2928, Docket No. 6115) of the Brainerd-Bemidji Broadcasting Company.

9. To determine the character, extent and population of the area to which the applicant may be expected to render interference-free primary service.

10. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service, as required by section 307 (b) of the Communications Act of 1934, as amended.

11. To determine whether public interest, convenience or necessity will be served by the granting of this application and the application of the Brainerd-Bemidji Broadcasting Company (File No. B4–P–2928, Docket No. 6115), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Gazette Company, 500 Third Ave. S. E., Cedar Rapids, Iowa.

Dated at Washington, D. C., June 12, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–4257; Filed, June 14, 1941; 11:46 a. m.]

[Docket No. 6080]

NOTICE RELATIVE TO FLORIDA BROADCASTING CO. (WMBR)

Application dated November 15, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Jacksonville, Florida; operating assignment specified: frequency, 1020 kc. (1060 under NARBA); power, 10 kw. (DA night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of the application would be consistent with the standards of good engineering practice, particularly with reference to interference limitations to and from other stations.

2. To determine the nature, extent, and effect of any interference which would result to the services of stations WMBR and KYW should station WMBR operate as proposed simultaneously with station KYW, Philadelphia, Pennsylvania.

3. To determine the nature, extent, and effect of any interference which would result to the services of stations WMBR and the Mexican station XEST should station WMBR operate as proposed simultaneously with station XEST, at Mexico City.

4. To determine whether the granting of the application would be consistent with the provisions of the North American Regional Broadcasting Agreement and the notices promulgated thereunder by the United States and Mexico.

5. To determine the nature, extent, and effect of any interference which would result to the service of Station WMBR should station WMBR operate as proposed simultaneously with station KTBS as proposed in its pending application (B3–P–3091).

6. To determine the area and population now served by station WMBR and the area and population to be served by that station if operated as proposed.

7. To determine whether in view of the facts disclosed by examination of the foregoing matters, public interest, convenience and necessity would be served by the granting of the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Florida Broadcasting Company, Radio Station WMBR, 118 W. Adams Street, Atlantic National Bank Building, Jacksonville, Florida.

Dated at Washington, D. C., June 12, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–4256; Filed, June 14, 1941; 11:46 a. m.]

[Docket No. 6115]

NOTICE RELATIVE TO EDWARD TOM O'BRIEN, DAVID SHEPARD, HOWARD S. JOHNSON AND JOHN W. BOLER, A PARTNERSHIP D/B AS BRAINERD-BEMIDJI BROADCASTING COMPANY (NEW)

Application dated July 5, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Brainerd, Minn.; operating assignment specified: frequency, 1550 kc.; power, 1 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial, and other qualifications of the

members of the applicant partnership to construct and operate the proposed station.

2. To determine the nature and character of service, both program and technical, to be rendered by the proposed station.

3. To determine the character, extent and effect of the interference which the operation of the proposed station may be expected to cause to the service of a new broadcast station at Cedar Rapids, Iowa, as proposed in the application (B4–P–2283, Docket No. 5330) of The Gazette Company.

4. To determine the character, extent and effect of the interference to the service of the proposed station which may be expected to be caused by the operation of a new station at Cedar Rapids, Iowa, as proposed in the application (B4–P–2283, Docket No. 5330) of The Gazette Company.

5. To determine the character, extent and population of the area to which the applicant may be expected to render interference-free primary service.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as required by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether a local frequency is available for the operation of a station to serve the Brainerd, Minnesota area and, if so, whether such operation would enable this area to receive satisfactory broadcast service.

8. To determine whether public interest, convenience or necessity would be served by the granting of this application and the application of The Gazette Company (File No. B4–P–2283, Docket No. 5330), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Edward Tom O'Brien, David Shepard, Howard S. Johnson, and John W. Boler, d/b as Brainerd-Bemidji Broadcasting Co., c/o John W. Boler, 320 Empire National Bank Building, St. Paul, Minnesota.

Dated at Washington, D. C., June 12, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–4255; Filed, June 14, 1941; 11:46 a. m.]

[Docket No. 6118]

NOTICE RELATIVE TO HOMER RODEHEAVER (NEW)

Application dated February 21, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Winona Lake, Indiana; operating assignment specified: frequency, 1480 kc.; power, 1 kw. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the type and character of service the proposed station may be expected to render.

3. To determine the character, extent and effect of the interference which the operation of the proposed station would be expected to cause to the service of a station at South Bend, Indiana, as proposed in the application (File No. B4–P–3165) of Wesley E. Carter.

4. To determine the character, extent and effect of the interference which the operation of a station at South Bend, Indiana, as proposed in the application (B4–P–3165) of Wesley E. Carter would be expected to cause to the service of the station proposed herein.

5. To determine the character and extent of the area to which the proposed station may be expected to render interference-free primary service during daytime hours.

6. To determine the availability of a local channel assignment for the operation of a station in the area proposed to be served by the applicant.

7. To determine whether the granting of the application for the operating assignment applied for would be consistent with good engineering practice.

8. To determine whether the proposed transmitter site is satisfactory for the operation of the proposed station and in compliance with the Commission's Rules and Regulations and Standards of Good Engineering Practice.

9. To determine whether the granting of the application would contribute toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

10. To determine whether public interest would be served through the granting of this application and the application of Wesley E. Carter (B4–P–3165) or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Homer Rodeheaver, 28 E. Jackson, Chicago, Illinois.

Dated at Washington, D. C., June 12, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–4258; Filed, June 14, 1941; 11:47 a. m.]

[Docket No. 6124]

NOTICE RELATIVE TO BROOKS H. SHORT (NEW)

Application dated February 21, 1941, for Construction permit for two portable-mobile units; class of service, experimental; class of station, class 1; location, Anderson, Indiana; operating assignment specified: frequency, 300,000 to 400,000 kc.; power, 5 watts; emission, A–1.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed stations.

2. To determine the exact program of experimentation to be conducted and whether or not it is such as is contemplated by the Commission's Rules Governing Experimental Radio Services.

(a) To determine the ultimate objective of the proposed program of experimentation.

3. To determine whether or not interference would result to the service of any station or stations from operation of the proposed stations.

4. To determine whether or not the service proposed may be effectively and efficiently rendered by means other than radio.

5. To determine whether the granting of the application would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Prac-

tice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Brooks H. Short, 2017 Fairview Street, Anderson, Indiana.

Dated at Washington, D. C., June 12, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-4259; Filed, June 14, 1941; 11:47 a. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 10122]

STANDARD TIME ZONE INVESTIGATION

NOTICE OF HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 9th day of June, A. D. 1941.

Upon further consideration of the record in the above-entitled proceeding and consideration of requests of the Cities of Atlanta, Ga., and Knoxville, Tenn., of the Towns of Greenville and Norris, Tenn., and of many individuals and groups located in Georgia and Tennessee, for modification of the orders entered herein;

It appearing, That on March 21, 1941, the State of Georgia adopted Eastern Standard Time for State purposes;

And it further appearing, That numerous individuals have complained to the Commission concerning the difficulties and confusion resulting from different standards of time for Federal and State purposes in the western part of Georgia, and that various Cities, Towns, and individuals have requested the extension of the United States Eastern Standard Time Zone by a westward movement of the western boundary to embrace the entire State of Georgia, and portions of Kentucky and Tennessee:

It is ordered, That this proceeding be, and it is hereby, reopened for further hearing on the question of whether the orders of the Commission, dated October 24, 1918, and thereafter, defining the boundary line between the United States Standard Eastern and Central Time Zones, and restated in the order of the Commission, dated May 19, 1928, should be so modified that the Cities of Atlanta, Ga., or Knoxville, Tenn., or any of the remainder of the States of Georgia or Tennessee, or any portion of the States of Kentucky, Virginia, North Carolina, Alabama, or Florida, now in the United States Central Time Zone, be included within the United States Eastern Time Zone.

And it is further ordered, That this proceeding be assigned for further hearing in the Atlanta Biltmore Hotel at Atlanta, Ga., on the 24th day of June, 1941, at 9 o'clock, A. M., United States Standard Central Time, before Examiner Thomas E. Pyne, and at such further places and times as may be determined by the presiding Examiner; and that copies of this order be served upon the Governors and Public Service Commissions of the States named, and upon the railroads engaged in interstate commerce, located in whole or in part in the said States; and that notice be given to the public by depositing a copy in the office of the Secretary of the Commission for public inspection.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 41-4262; Filed, June 14, 1941; 11:51 a. m.]

[No. 10122]

STANDARD TIME ZONE INVESTIGATION

SUPPLEMENTARY NOTICE

JUNE 9, 1941.

The forthcoming hearing, set at 9:00 a. m., Central Standard Time, June 24, 1941, at the Atlanta Biltmore Hotel in Atlanta, Ga., will be confined to the question whether the limits of the United States Eastern Standard Time Zone should be moved westward to include Atlanta, Ga., or Knoxville, Tenn., or any of the remainder of the States of Georgia or Tennessee, or any portion of the States of Kentucky, Virginia, North Carolina, Alabama, or Florida.

Attention is directed to the Standard Time Act, U. S. Code, Title 15, Secs. 261–265, which provides for five time zones for continental United States, the eastern, central, mountain, Pacific, and Alaska zones, and specifically designates the standard of time to be observed within these zones, respectively, as the mean astronomical time of the 75th, 90th, 105th, 120th, and 150th degrees of longitude west from Greenwich. The duty of this Commission under that act is to define the limits of the several zones. Evidence in support of a change in the law, such as a modification of the number of zones, or for or against so-called daylight saving during a portion of the year, cannot be admitted.

It is expected that all interested persons who appear will cooperate so that a fair and complete presentation of the pertinent facts may be made as succintly and expeditiously as possible.

To save time and to assist the parties, the Commission has directed its Bureau of Service to study the operations of the several common carriers by rail in the affected territory and to draft a tentative revision of the boundary line so as to embrace in the eastern zone Knoxville, Tenn., and as much of the State of Georgia as was practicable, having due "regard for the existing junction points and division points of common carriers" engaged in interstate commerce, as is required by the Standard Time Act. The Appendix hereto contains a summarized statement of the testimony which Homer C. King, Acting Director of the Bureau of Service, is prepared to give at the forthcoming hearing at Atlanta, suggesting such a modification of the boundary line, which may be criticized or corrected at the hearing. This should be understood, however, as not restricting the issues in any way, and any party may propose or support any other change in the line in the affected territory or may oppose any change in the existing line.

[SEAL] W. P. BARTEL, *Secretary.*

APPENDIX

PROPOSED TESTIMONY OF HOMER C. KING, ACTING DIRECTOR OF THE BUREAU OF SERVICE OF THE INTERSTATE COMMERCE COMMISSION, WITH RESPECT TO CHANGE IN STANDARD TIME ZONES

I have been instructed to propose a plan for a dividing line between Eastern and Central Standard Time Zones which, in my opinion, will provide a practicable means of operation for the railroad lines reaching Atlanta, and other lines operating in the State of Georgia. It is my understanding that the legislature of Georgia has provided that Eastern Standard Time shall prevail within the limits of that state; also that certain jurisdiction with respect to Standard Time zones is lodged in the Interstate Commerce Commission by act of Congress, which provides that the limits of each Standard Time zone shall be defined by an order of the Commission having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in commerce between the several states and with foreign nations, and such order may be modified from time to time. In the light of my experience, I do not believe that the act of the Georgia legislature heretofore referred to gives due regard to the existing junction and division points of certain carriers operating trains in the State of Georgia, and think that an order should be made by the Commission which will, so far as possible, provide the Standard Time which the legislature has proposed and at the same time give due regard to the convenience and operating conditions of the carriers, especially those operating from points in Tennessee, such as Chattanooga and Knoxville, southward into the State of Georgia.

The following plan is proposed inasmuch as it is understood that representatives of the cities of Knoxville and Greenville, Tenn., have expressed their desire to have those cities included in the Eastern Standard time zone. My study indicates that no change should be made in the present boundary north of Bristol, Tenn., which is located on the northern boundary of that state. Beginning at Bristol, at the connection between the Southern Railway and the Norfolk & Western Railway, I believe the boundary line should extend southerly, immediately west of and parallel with the western most line of the Southern Railway to Johnson City, Tenn., thence westerly, north of and parallel with the line of that railway to the northern limits of Knoxville, Tenn., crossing the St. Charles and Rogersville lines of the Southern at Bristol and Bulls Gap, Tenn., and the Carolina, Clinchfield & Ohio at Johnson City, Tenn., thence westerly, southerly and easterly along the northern, western and southern limits of Knoxville, crossing the Middlesboro, Fonde, and Chattanooga lines of the Southern and the lines of the Louisville & Nashville at Knoxville, thence south and west, immediately east of the line of the Louisville & Nashville to the Little Tennessee River, near McGhee, Tenn., thence easterly following the thread of said river to the state line between Tennessee and North Carolina, thence southerly following said line to the state line between Georgia and North Carolina, thence easterly on said state line between Georgia and North Carolina crossing the branch line of the Louisville & Nashville extending between Murphy Junction

and Murphy, N. C., thence southerly, immediately east of, and parallel with the said line of the Louisville & Nashville to the northern limits of Atlanta, Ga., thence following the northerly, westerly and southerly limits of the city of Atlanta, and crossing the lines of the Nashville, Chattanooga & St. Louis, the Seaboard Air Line, the Southern, the Atlanta, Birmingham & Coast, and the line of the Atlanta & West Point Railroad, thence immediately east and south of said last-mentioned line to the Chattahoochee River at West Point, Ga., crossing the line of the Central of Georgia at East Point and Newnan, Ga., and the Atlanta, Birmingham & Coast at Union City, and Lagrange, Ga., thence following said river and state line and the Apalachicola River to the Gulf of Mexico, crossing lines of the Central of Georgia at Columbus and Georgetown, Ga., and Columbia, Ala., the line of the Seaboard Air Line near Omaha, Ga., the Atlantic Coast Line near Saffold, Ga., the Louisville & Nashville near River Junction, Fla., and the Apalachicola Northern at Franklin, Fla.

As I understand this matter, there appears to be nothing objectionable from a railroad operating standpoint in the line of the Southern Railway extending between Bristol, Tenn., and Knoxville, Tenn., being operated on Eastern Standard Time. The Southern Railway now operates in different time zones, and the change in time could likely be effected at Knoxville as well as at Bristol. However, if that is undesirable, the line could be changed to the east side of this railroad and the northern limits of Knoxville. The plan would not require any change in operating time for the Louisville & Nashville, and I do not believe that to require this railroad to change time at Knoxville is desirable, if it can be avoided. I see no particular operating difficulties presenting themselves south of Knoxville in the state of Tennessee, or in fact, to the Georgia line. The fact that this time line crosses the Louisville & Nashville-Murphy branch line is, of course, objectionable, but that portion of this branch line between the Georgia-North Carolina line and Murphy, N. C., could be taken care of by operating exceptions. From the North Carolina line to the limits of Atlanta, the proposed line would not cross any branch or main lines of railroad. South of Atlanta an operating exception would be necessary for the operation of the Atlanta, Birmingham & Coast from its crossing with the Atlanta & West Point near Union City, Ga. Difficulty presents itself with respect to the operation of the Central of Georgia branch between Griffin, Ga., and Chattanooga, Tenn., and the operation of the Columbus, Ga., branch of the Central of Georgia between Atlanta and Columbus, which are complicated by the fact that the latter line of the Central of Georgia operates over the line of the Atlanta & West Point between Newnan, Ga., and Atlanta. These lines will necessarily require operating exceptions.

South of Columbus operating exceptions would be necessary to permit the use of Eastern time for the Seaboard Air Line between the Georgia-Alabama state line and Montgomery, Ala., for the Central of Georgia from the Georgia-Alabama state line to Lockhart, Ala., and for the Atlantic Coast Line from the Georgia-Alabama state line to Montgomery.

I consider any plan which would require two time zones for the Louisville & Nashville line extending between Knoxville and Atlanta with its connecting branches, undesirable, and therefor have avoided that. The same is true of the line of the Nashville, Chattanooga & St. Louis, extending between Chattanooga and Atlanta. The Southern Railroad is opposed to the change in time for its line between Chattanooga and Atlanta, although, as I see it, there is no reason why this line could not be as safely and conveniently operated with the change in time made at Chattanooga as at Atlanta if it were the only line involved. Consideration has been given to the operation of the line of the Southern extending westward from Rome, Ga., and the branch line of the Nashville, Chattanooga & St. Louis extending between Rome and Kingston, Ga. A difficulty presents itself with respect to the operation of the Chattanooga branch of the Central of Georgia extending from Griffin to Chattanooga, which would cross the time boundary here proposed. This I presume could be taken care of by exceptions.

The above line contemplates the following exceptions, which would be for operating purposes only and would, of course, be subject to the usual condition that the respective carriers will, in their published advertisements, their time cards, bulletin boards in stations, and in other like ways show the arrival and departure of their trains in terms of the standard of time prescribed for general use in the various communities:

1. Lines east of boundary excepted from eastern zone:

Railroad	From—	To—
Carolina, Clinchfield & Ohio [1]	Dungannon, Va.	Johnson City, Tenn.
Louisville & Nashville	Georgia-North Carolina State line (north of Sweetgum, Ga.).	Murphy, N. C.
Central of Georgia	Griffin, Ga.	Newnan, Ga.
Do	Columbus, Ga.	Newnan, Ga.
Atlanta, Birmingham & Coast.	LaGrange, Ga.	Manchester, Ga.
Louisville & Nashville [1]	River Junction, Fla.	Apalachicola River.

[1] Same as now authorized.

2. Lines west of boundary included in eastern zone:

Railroad	From—	To—
Atlanta, Birmingham & Coast	Crossing of line of Atlanta & West Point (near Union City, Ga.).	Atlanta, Ga.
Seaboard Air Line	Georgia-Alabama State line (west of Omaha, Ga.).	Montgomery, Ala.
Central of Georgia	Georgia-Alabama State line (west of Hilton, Ga.).	Lockhart, Ala.
Atlantic Coast Line	Georgia-Alabama State line (west of Saffold, Ga.).	Abbeville, Elba, Luverne, and Montgomery, Ala.

The following exceptions now authorized would be eliminated:

Railroad	From—	To—
Atlantic Coast Line	Georgia-Florida State line	River Junction, Fla.
Apalachicola Northern	Apalachicola, Fla., and Apalachicola River.	Port St. Joe, Fla.
Atlanta, Birmingham & Atlantic [1]	Manchester, Ga.	Line of Dooly County, Ga.
Seaboard Air Line	Georgia-Florida State line	Bainbridge, Ga.

[1] Now Atlanta, Birmingham & Coast.

[F. R. Doc. 41-4263; Filed, June 14, 1941; 11:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-332]

IN THE MATTER OF ALABAMA POWER COMPANY, THE COMMONWEALTH & SOUTHERN CORPORATION, AND THE GENERAL CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1941.

I

Notice is hereby given that a declaration and application have been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the above-named parties.

All interested parties are referred to said declaration and application, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

A. Alabama Power Company proposes to redeem substantially all of its outstanding bond indebtedness in principal amount of $95,584,000, said bonds having interest rates of from 4½% to 5% and maturities in various years from 1946 to 1968, at a retirement cost, exclusive of accrued interest, of $97,522,960, through funds proposed to be obtained as follows:

(1) The sale of $83,878,000, principal amount of new bonds, 3½% interest rate, due 1971, to be issued under a proposed mortgage to Chemical Bank and Trust Company as trustee, to be dated as of July 1, 1941.

(2) By borrowing from banks, through the issue and sale of notes, $8,000,000 with interest at the rate of 2½% per annum, repayable in 16 equal semi-annual installments.

(3) By use of funds in amount of $22,442 on deposit with trustees under various mortgages, and

(4) By the use of treasury funds estimated at $2,300,460.

B. Pursuant to the provisions of Rule U-50 of the Securities and Exchange Commission promulgated under the Public Utility Holding Company Act of 1935, Alabama Power Company proposes, at least ten days prior to entering into any contract or agreement for the issuance or

sale of the new bonds, publicly to invite sealed written proposals for the purchase or underwriting of such securities. The ccmpany proposes to reserve the right to reject any and all bids submitted.

C. The Commonwealth & Southern Corporation proposes the following transactions:

(1) The surrender for cancellation of its entire holdings of preferred stock of Alabama Power Company aggregating $1,130,200 (liquidation preference).

(2) The transfer of the property (or securities) of Southeastern Fuel Company consisting of certain coal lands, rights and properties, all located in the State of Alabama, said property being proposed to be turned over at a stated amount of $2,639,403.49, making a corresponding increase in its investment in common stock of Alabama Power Company, without the issuance of additional shares by such company.

D. Alabama Power Company proposes to make certain reductions in the amount at which its property is recorded and to increase its depreciation reserve. It also proposes to increase the stated value of its preferred stock to liquidation value. To provide for the above adjustments, the company proposes to reduce the stated value of its common stock from $52,730,903 to $33,975,000, or a reduction of $18,755,903.

It is further proposed to set up a special reserve in the amount of $3,657,081 out of earned surplus for the stated purpose of complying with an order of the Federal Power Commission dated November 26, 1940, and a stay order granted by the United States Court of Appeals of the District of Columbia dated June 6, 1941.

E. In connection with certain of the proposed transactions, Alabama Power Company proposes to solicit proxies from its peferred shareholders.

F. The Commonwealth & Southern Corporation proposes to cause The General Corporation, a wholly-owned subsidiary, to dissolve, and proposes to acquire the assets thereof.

It is stated that the consummation of the foregoing transactions will result in the reduction in the future of the funded debt of Alabama Power Company and the reduction of interest charges. In addition, it is stated that Alabama Power Company will obtain a source of coal for fuel requirements of its steam-electric generating plants, and that the dissolution of The General Corporation will result in the elimination of a company from The Commonwealth & Southern Corporation holding company system.

The applicants have designated sections 6, 9, 10, 12 (b), 12 (c), 12 (d), 12 (e) and 12 (f) of the Act and Rules U-42, U-43, U-44, U-45, U-46, U-50 and U-62, as applicable to the foregoing transactions, or portions thereof.

II

A declaration and application having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, as aforesaid, by the Alabama Power Company, The Commonwealth & Southern Corporation and The General Corporation, and public notice, herein contained, having been given of the filing thereof, which notice sets forth a summarized statement of the transactions proposed; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration and application and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 1, 1941, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the books of Alabama Power Company adequately and properly reflect the facts with respect to its property account, maintenance and depreciation.

(2) Whether and to what extent the property account of Alabama Power Company includes write-ups or other inflationary items.

(3) Whether the securities proposed to be outstanding bear a reasonable relationship to the assets and to the earning power of Alabama Power Company, taking into consideration the present annual provisions for depreciation and maintenance and whether such provisions are adequate.

(4) Whether the issue and sale of the proposed securities are solely for the purpose of financing the business of Alabama Power Company, and are necessary or appropriate to the economical and efficient operation of the business of that company.

(5) What further steps, if any, should be taken by Alabama Power Company and what conditions should be imposed upon said company, for the purpose of requiring the simplification of the corporate structure thereof, and whether for that purpose steps should be taken or conditions should be imposed requiring the reduction of the presently outstanding debt of said company or of the amounts of preferred stock thereof outstanding or with respect to the fairness and equitableness of the distribution of voting rights thereof, and whether any additional investment in Alabama Power Company should be made by The Commonwealth & Southern Corporation.

(6) Whether and to what extent conditions should be imposed restricting the payment of some or all common stock dividends of Alabama Power Company until such time as the debt of said company may have been substantially reduced.

(7) Whether the proposed provisions of the indenture securing the proposed bonds are appropriate, and adequately protect the public holders of securities to be issued hereunder, with particular reference to the provisions for (a) sinking fund, (b) debt retirement, (c) maintenance and depreciation, and (d) additional bond issuances.

(8) Whether lower interest rates would be obtainable by the issuance of bonds having serial maturities, and whether it would otherwise be more appropriate and in the public interest and interests of investors and consumers that provisions be made for the periodic elimination of portions of said indebtedness in the event the proposed refunding is consummated, and whether it is in the public interest and the interest of investors in the future to permit the issuance of all of the proposed bonds having a maturity in the same year.

(9) The propriety of the proposed accounting entries, including among other things, the treatment of unamortized debt discount, call premiums, premiums received upon the sale of the proposed new securities, and contemplated adjustments of property and depreciation reserve accounts.

(10) Whether the proposed fees, commissions, and other expenses, particularly those of attorneys and accountants are fair and reasonable.

(11) Whether the dissolution of The General Corporation is appropriate, and what adjustments, if any, should be made in the investment account of The Commonwealth & Southern Corporation in connection with such proposed dissolution.

(12) Whether the public interest or the interests of investors or consumers requires the imposition of terms and conditions for the purpose of requiring the

elimination of write-ups or other inflationary items which may be found to exist in the property accounts of Alabama Power Company, or requiring the taking of other action so that the accounts of the Alabama Power Company will correctly reflect the facts.

(13) Generally, whether the terms and conditions of the proposed issuance and sale are detrimental to the public interest or the interests of investors or consumers or will tend to circumvent the provisions of the Act, rules, regulations or order thereunder, and the extent to which terms and conditions should be imposed to insure adequate protection of such interests and compliance with the applicable provisions of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-4309; Filed, June 16, 1941; 11:50 a. m.]

[File No. 70-333]

IN THE MATTER OF ALABAMA POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of June, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than June 30, 1941, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Alabama Power Company proposes to increase the common stock capital of Auburn Water Company by making a cash contribution to Auburn Water Company in the amount of $160,000. Of this amount approximately $99,000 is required for payment of the cost of the development of a new water supply on Chewacla Creek, including site, dam, basin, pumping stations, mains and power control circuits; approximately $48,500 for additions during the year 1941 to water distribution system, increased purification facilities and site and right of way from purification plant to storage tank; and $12,500 for additions and extensions to existing mains, installation of hydrants, services and meters for the ordinary connection of new customers. The amounts representing the additional investment will be paid over to Auburn Water Company by Alabama Power Company from time to time during the year 1941 as the money is required by Auburn Water Company.

The applicant states, as the reasons why it is desired to consummate the proposed transaction, that the present water supply for Auburn Water Company is inadequate and the sales are rapidly increasing; that installation of mains of sufficient capacity prior to street paving is desirable at this time because if undertaken at a later date much heavier installation costs would be incurred; and that it is necessary for Auburn Water Company to make substantial payments to the contractor who is constructing the dam by the end of June 1941, and to make other payments for the additions described.

The applicant considers that section 12 (b) of the Act and Rule U-45 are applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-4307; Filed, June 16, 1941; 11:49 a. m.]

[File No. 70-334]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1941.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than June 21, 1941, at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20, and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application or declaration which is on file in the office of said Commission for a statement of the transaction therein proposed, which is summarized as follows:

The United Gas Improvement Company, a registered holding company, and a subsidiary of The United Corporation, also a registered holding company, proposes to acquire 21,053 shares of common stock of the par value of $10, and 1,188 shares of preferred stock of the par value of $50 ($3 cumulative) of California Electric Power Company in exchange for its present holdings of 13,925 shares of common stock, par value $10, and 1,188 shares of the preferred stock, par value $100 ($3 cumulative plus $4 non-cumulative), of the Nevada-California Electric Corporation. Such exchange will result from a plan to change the name of and recapitalize the Nevada-California Electric Corporation.

Pursuant to the plan, the new company will be called California Electric Power Company, and the outstanding voting securities will be changed from 84,683 shares of common stock, par value $10 and 105,023 shares of preferred stock, par value $100 (3% cumulative plus 4% non-cumulative), to 714,821 shares of common stock, par value $10, and 105,023 shares of preferred stock, par value $50 ($3 cumulative), respectively. Appropriate charter amendments will be voted on at a stockholders meeting to be held on June 20, 1941.

⅘ths of a share of new preferred and 6 shares of new common stock will be offered in exchange for each share of old preferred. In addition ⅕th share of the new preferred stock and $1 cash for arrearages of $11 per share in dividends on the old preferred stock will be offered to present preferred stockholders. The offer closes June 25, 1941, unless extended.

As a result of the aforesaid exchange the voting power of The United Gas Improvement Company will be reduced from 7.9% in Nevada-California Electric Corporation to an aggregate of less than 3% in California Electric Power Company.

The application or declaration states that by reason of the reduction of the voting power as aforesaid, The United Gas Improvement Company will not be an affiliate of California Electric Power Company and consequently, with respect to the beforementioned acquisition, claims an exemption under the provisions of Rule U-40 promulgated under the Act.

It is requested that the Commission accelerate its order so that the application or declaration (or both) becomes effective not later than June 23, 1941.

The applicant or declarant designates Sections 9 and 10 of the Act and Rule U-40 promulgated thereunder as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4306; Filed, June 16, 1941; 11:49 a. m.]

[File No. 812-166]

IN THE MATTER OF THE BYRNDUN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of June A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940, for an order declaring it to be excepted from the provisions of said Investment Company Act on the ground that the applicant is primarily engaged directly or through a majority owned subsidiary and through a controlled company in a business other than that of investing, reinvesting, owning, holding or trading in securities.

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 3 (b) (2) of the Investment Company Act of 1940 be held on June 27, 1941 at 9:45 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That William W. Swift, Esq. or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4310; Filed, June 16, 1941; 11:50 a. m.]

IN THE MATTER OF PAUL R. HAWN, 648 COOPER STREET, BEVERLY, NEW JERSEY

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of June, A. D. 1941.

Paul R. Hawn, a sole proprietorship hereinafter called the registrant, being registered with the Commission as an over-the-counter broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934; and

The Commission on May 27, 1941, having issued an order stating that information had been reported to the Commission tending to show that registrant is permanently enjoined by order of the Court of Chancery of New Jersey, entered on April 22, 1941, from engaging in certain acts and practices involved in the purchase and sale of securities, and setting a hearing on the question whether the registration of said registrant should be suspended or revoked; the said registrant having acknowledged receipt and service of adequate notice of said proceeding and having waived his opportunity for hearing therein and having admitted the existence of the facts and the cause of action set forth in the Commission's order for said proceeding and having consented in writing to the revocation of his registration; and the Commission having duly considered the matter and being fully advised in the premises and having found that the said registrant is permanently enjoined by order of the Court of Chancery of New Jersey from engaging in certain acts and practices in connection with the purchase and sale of securities, and that revocation of the registration of said registrant is in the public interest;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of the said Paul R. Hawn be and the same hereby is revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Henderson, and Pike).

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4312; Filed, June 16, 1941; 11:51 a. m.]

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER SUSPENDING COMMISSION ORDER, REOPENING RECORD, AND GRANTING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of June, A. D., 1941.

The Commission on April 15, 1941 having issued its Findings and Opinion and Order in the above-entitled matter in connection with a proceeding instituted by the Commission on March 4, 1940 pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935;

Respondents having on May 27, 1941 filed a "Petition for Order Opening Record and Adding Material Facts" and a "Petition for Rehearing by the Commission of Matters Covered by Order of April 15, 1941 Preliminary to Petition for Review under the Provisions of section 24 (a) of the Public Utility Holding Company Act of 1935"; Respondents having filed a supplementary letter dated June 11, 1941 modifying such petitions;

The Respondents having in such petitions as modified by the letter of June 11, 1941 urged that there are certain facts not now a part of the record of this proceeding which should be considered by the Commission in connection with the aforesaid proceeding; and

Respondents having in such petitions urged other circumstances and arguments which were not presented to the Commission by Respondents prior to the entry of the aforesaid order of April 15, 1941;

It appearing to the Commission that although Respondents had ample opportunity to present such facts, circumstances, and arguments prior to the entry of the aforesaid order of April 15, 1941, the interests of investors, consumers and all parties concerned will be served by suspending the effectiveness of the aforesaid order of April 15, 1941, permitting the introduction of the evidence now urged upon the Commission, and granting a rehearing upon the aforesaid order of April 15, 1941;

It is therefore ordered, That the aforesaid order issued on April 15, 1941 in the above entitled proceeding be and hereby is suspended pending further order of the Commission.

It is further ordered, That the record upon which such order is based is hereby opened for the purpose of incorporating therein the facts and documents hereinafter set forth and that such facts and documents be and the same hereby are made a part thereof;

(1) "The United Gas Improvement Company under a contract of guaranty, is obligated to indemnify the Koppers Company of Delaware (now Koppers Associates, Incorporated) on account of that company's quaranty of the payment of dividends at the rate of $3 per share per annum on 198,977 shares of Preferred Stock of The Connecticut Gas & Coke Securities Company for twenty-five years from October 1, 1926";

(2) A memorandum entitled "Connecticut Railway and Lighting Company, Statement of History and Development";

(3) A memorandum entitled "Connecticut Railway and Lighting Company Memorandum with Respect to Certain Legal Problems which must be considered in Relation to the Pending Proceeding under the Provisions of section 11 (b) (1) of the Public Utility Holding Company Act of 1935";

It is further ordered, That Respondents' petition for rehearing be and hereby is granted, the hearing date to be later fixed upon notice to the parties. At such hearing Respondents will be afforded an opportunity to present all arguments and contentions relating to the

supplemented record as to the matters urged in the aforesaid petitions;

It is further ordered, That Respondents submit a brief on or before June 28, relating to the supplemented record as to the matters urged in the aforesaid petitions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4315; Filed, June 16, 1941; 11:51 a. m.]

[File No. 70-129]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY, AND PENNSYLVANIA ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of June, A. D. 1941.

The above-named party having filed a declaration and applications pursuant to sections 6 (b), 10, and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-23 and U-43 promulgated thereunder; said filings being concerned with the issuance and sale by Pennsylvania Electric Company, an operating utility subsidiary, of 6,873 shares of no par common stock to Central U. S. Utilities Company, a registered holding company, parent of Pennsylvania Electric Company, and a sub-holding company in the Associated Gas and Electric Company System, in consideration of $2,000,000 in cash;

The filings indicate that the Pennsylvania Public Utility Commission has authorized the issuance of such securities by Pennsylvania Electric Company and approved the sale thereof to Central U. S. Utilities Company; said filings further indicate that the proceeds from the sale are to be used by Pennsylvania Electric Company solely "to complete necessary urgent construction work";

Notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

The Commission being satisfied that the exemption provisions of section 6 (b) of the Act are satisfied in regard to the application by Pennsylvania Electric Company concerned with the issuance of its 6,873 shares of no par stock, and that, therefore, the exemption application should be granted; that it is appropriate in the public interest and in the interest of investors and consumers to permit the declaration, pursuant to Rule U-46, to become effective forthwith, and finding that with respect to the application, pursuant to section 10 of the Act, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of the Act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and rules promulgated thereunder and subject to the terms and conditions embodied in said filing and prescribed in Rule U-24, that the aforesaid declaration be and it hereby is permitted to become effective, and that the aforesaid applications be and hereby are granted.

By the Commission (Chairman Eicher, Commissioners Pike and Henderson), Commissioner Healy dissenting for the reason stated in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4314; Filed, June 16, 1941; 11:51 a. m.]

[File No. 70-208]

IN THE MATTER OF STANDARD POWER AND LIGHT CORPORATION

ORDER DENYING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of June, A. D. 1941.

Standard Power and Light Corporation having filed an application under sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of 8,700 shares of Common Stock of San Diego Gas & Electric Company from Standard Gas and Electric Company in exchange for $150,000 principal amount of Notes and Debentures thereof, pursuant to a certain offer of exchange;

A hearing having been held after appropriate public notice and the Commission having considered the record and having made and issued its Findings and Opinion herein;

It is ordered, That the said application be and it hereby is, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4311; Filed, June 16, 1941; 11:50 a. m.]

[File No. 70-329]

IN THE MATTER OF OGDEN CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of June, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than June 30, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Newport Water Corporation, a subsidiary of Ogden Corporation which is a registered holding company, has outstanding 10,000 shares of Preferred Stock without par value and 10,000 shares of Common Stock without par value. Ogden Corporation owns 8,218 shares of the Preferred Stock and all of the Common Stock. The application indicates that all of the property of Newport Water Company has been disposed of for cash, partly as a result of condemnation proceedings and partly by sale. After the redemption of its First Mortgage Gold Bonds, the payment of the principal of and interest on advances from Ogden Corporation, fees for condemnation services and other miscellaneous fees and expenses, it now has on hand approximately $392,000. It also has a contingent liability of approximately $203,000 for a possible additional assessment of Federal income taxes for the year 1940.

The proposed transaction involves the purchase by Ogden Corporation of the 1,782 shares of Preferred Stock of Newport Water Corporation held by others than itself for $39 per share.

Applicant has designated sections 9 (a) and 10 of said Act as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4308; Filed, June 16, 1941; 11:50 a. m.]

[File No. 70-331]

IN THE MATTER OF GENERAL GAS & ELECTRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1941.

The above-named party, having filed a declaration pursuant to the Public Utility

Holding Company Act of 1935, particularly section 12 (c) and Rule U-46 thereunder, regarding the company's proposal to pay on June 16, 1941, dividends on its $5 Prior Preferred stock; said declaration, which was filed on June 6, 1941, disclosing that the total shares outstanding of this series aggregate 60,000, of which 27,889.1 shares are held by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, the balance being publicly held; the declaration containing as a part thereof a written waiver to the effect that said Trustees of Associated Gas and Electric Corporation expressly agree to waive receipt of dividend payment on shares held by them until further order by this Commission, the aggregate amount of the dividend applicable to the publicly held securities of this issue totalling $40,139;

Notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

General Gas & Electric Corporation having requested that said declaration become effective in sufficient time so that dividend declaration may be made and dividends paid on the due date, June 16, 1941;

The Commission deeming it appropriate in the public interest and the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and hereby is permitted to become effective forthwith.

By the Commission (Chairman Eicher, Commissioners Healy, Henderson and Pike).

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-4313; Filed, June 16, 1941; 11:51 a. m.]